AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

**Union Calendar No. 237**

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.

[Selected exhibits 351 through 981 follow:]

SONOMA COUNTY SHERIFF
2555 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA

CR 2510-73

(1)

| 70 CODE SECTION | 71 CRIME | 72 CLASSIFICATION |
|---|---|---|
| 187 PC | MURDER | FIREARM |

73 VICTIM'S NAME (LAST, FIRST, MIDDLE) (FIRM IF NON-PERSONAL) | 74 ADDRESS | RESIDENCE | BUSINESS | 75 PHONE

WILSON, Clayton Rickey

W.#1:WILSON, Dorothy Dale, aka Dee aka Dee MANCINI WILSON, WFA, DOB: 10-23-45, residence: [redacted] Santa Rosa (wife of murder victim)

W. #2: RAMOS, Paulette A. WFA, DOB: 10-17-51, residence: [redacted]

W. #3: GERAWAY, William H. , WMA, DOB: 9-18-36, residence: presently incarcerated Massachusetts State Prison.

W. #4: WOOD, Lawrence, WMA, DOB: 9-30-25, residence: presently incarcerated Mass. State Prison.

On Monday, 10-5-70, a conference was called in the DA's Office regarding the receipt of the letter by Chief of Police Flohr, from witnesses Geraway and Wood. At this time DA Hyland, DA Investigator Cameron, and Chief Flohr were informed of my knowledge of the situation dating back to the early part of this year. Arrangements had been made by Cameron and Flohr to fly to Massachusetts to further investigate the contents of the letters received.

On Friday, 10-9-70, a second meeting was called at the DA's Office at which numerous representatives from the agencies involved were present. Cameron & Flohr briefed those present as to their findings and investigations conducted in Massachusetts.

Lt. Stephens of SRPD, and myself attempted to locate witness Ramos during Friday, however, were unsuccessful. On Sunday evening, 10-11-70, it was learned that Paulette was in Fresno, Calif. at the Fair.

On Monday, 10-12-70, Agent Ahlstrom and myself went to the residence at the corner of Yulupa & Phoenix Sts at which witness Wilson and witness Ramos resided. Witness Dorothy Dale Wilson was briefly informed as to the situation regarding the receipt of the letters and the investigation in progress. She denied any knowledge of any murder and stated that she would cooperate in attempting to locate witness Ramos in Fresno.

At approx 1:30 pm Lt. Stephens, myself, and witness Dorothy Wilson departed by charter plane enroute to Fresno to contact witness Ramos.

| REPORTING OFFICER(S) | RECORDING OFFICER | TYPED BY | DATE AND TIME | ROUTED AS |
|---|---|---|---|---|
| Brown | Brown | mj | 10-22-70 | |

FURTHER ACTION: ☐ YES ☐ NO — COPIES TO: ☐ DETECTIVE ☐ CII ☐ PLANNING ☐ PARENTS ☐ DIST. ATTY. ☐ PROBATION ☐ OTHER

REVIEWED BY | DATE

EXHIBIT 351

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
OCT 13 1970

NR 007 SF PLAIN

2:18 PM URGENT 10-13-70 MS TELETYPE

TO DIRECTOR (92-9828)

BOSTON (92-1152)

FROM SAN FRANCISCO (92-2061) (P) 1P

JOSEPH BARON, AKA. AR

92-9828-15

RE BOSTON TEL TO BUREAU OCTOBER EIGHT LAST, AND SAN FRANCISCO TELCALL TO BOSTON, INSTANT.

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 BODY BY BURYING IN WOODED AREA SEVERAL MILES OUTSIDE SANTA ROSA. RAMOS LED LOCAL AUTHORITIES TO SAID AREA AND A BODY HAS BEEN RECOVERED.

92-9828-19X

CHIEF FLOHR STATES BODY BEING EXAMINED TODAY; HOWEVER, DUE TO BADLY DECOMPOSED CONDITION, POSITIVE IDENTIFICATION HAS NOT BEEN MADE.

REC-10 [redacted]

SAN FRANCISCO OFFICE CLOSELY FOLLOWING MATTER WITH LOCAL AUTHORITIES.

EX-103

BUREAU AND BOSTON WILL BE KEPT ADVISED.

END

AND HOLD PLS

OCT 20 1970

6 OCT 26 1970

CC: MR. CALE

MR. SULLIVAN FOR THE DIRECTOR

EXHIBIT 352

UNITED STATES GOVERNMENT DEPARTMENT OF JUSTICE

# Memorandum

CEM:ded

TO : File DATE: 10/13/70

FROM : Gerald E. McDowell Gerald E. McDowell

SUBJECT: Collect Phone Call from Joe Baron to Walter Barnes

At approximately 3:45 P. M. on October 13, 1970, the secretary announced that there was a collect call from Joe Baron to Walter Barnes. I was in Walter's office at the time and he asked me to listen in on the extension phone. I picked up the receiver and when Walter accepted the phone call a man who identified himself as Joe started to talk to Walter. The voice was the same as that of Joe Baron whom I heard for several hours testifying at his habeas corpus hearing in Massachusetts Superior Court in September, 1970.

Joe Baron did the great majority of the talking. His initial inquiry related to the fact that on Dinis' motion papers nolle prosseing the case in New Bedford, there appeared the notation that Dinis would present the case to the grand jury in November, and that this was on the recommendation of the federal government. Joe wanted to know if Walter or Ted Harrington had recommended to Dinis that his case be presented to the grand jury. Walter said that the case was controlled by the state government and that he had not recommended to Dinis anything and didn't know what Joe was talking about.

Joe Baron then went on an extended monologue and I made notes of this conversation which are attached. Among the things Joe stated were the following:

> "I stand by the transcript as being the gospel truth, you understand."
>
> "The only lie detector test I ever agreed to take had to do with my gun charge."
>
> "As far as the Deegan trial coming up I stand on the transcript as being the gospel truth."

EXHIBIT 353

BSF-00800

That I, Joseph Bentley, hereby agree to accept the sum of $2500.00 in full settlement and satisfaction of any and all claims and demands which I or my heirs, executors, administrators, or assigns may have against the United States of America, and its agents and employees with respect to the protection to be provided me by the United States Government after I testified in the case of United States v. Patriarca, et al., United States District Court, Boston, Massachusetts.

That this agreement shall not constitute an admission of liability or fault on the part of the United States of America, or on the part of its agents and employees.

JOSEPH BENTLEY

OCT 16 1970

# SR Murder Charge For Gangland Informer

## Was Shooting of Wilson 'Favor' for a Friend?

By BONY SALUDES

A bizarre story unfolded today with the naming of an alleged gangland executioner as the suspect in the graveside murder of Clayton Ricky Wilson.

The man, identified as Joseph Barboza Baron, alias Joseph Bentley, 36, allegedly shot the 26-year-old Santa Rosa man twice in the head as a "favor" for a friend.

And, as fate would have it, he became a suspect in the same manner in which he has been responsible for the arrest and imprisonment of numerous gangland figures in the East Coast—someone informed on him.

District Attorney Kiernan Hyland today announced he filed a murder complaint in Southern Municipal Court against Mr. Baron, presently an inmate at the Barn Stables House of Corrections in Massachusetts.

A three-week investigation by Massachusetts and Sonoma County authorities found a young woman who shortly after midnight Tuesday located a shallow grave on a hornet-infested hillside near Glen Ellen which yielded the body of Mr. Wilson.

Mr. Wilson had been missing since July when his slaying occurred.

Mr. Hyland said although Mr. Baron became a suspect through underworld sources and the man is deeply involved in gangland circles, there is no evidence the Wilson killing is connected to any underworld activity.

### 'Favor'

Reliable sources in Boston, Mass., told The Press Democrat Mr. Baron allegedly killed Mr. Wilson as a "favor" for Mr. Wilson's estranged wife.

Mr. Wilson's wife, the sources said, allegedly was a good friend of Mr. Baron's girl friend while the man was allegedly living in Sonoma County earlier this year.

The Wilsons reportedly were having domestic troubles involving child custody at the time and Mr. Baron allegedly shot Mr. Wilson to facilitate things for the wife.

Mr. Hyland, although reluctant to discuss details of the case, confirmed what appears to be the alleged motive for the killing when asked about it.

He said however there is no evidence that Mr. Wilson's wife had connection with the killing, that it allegedly was Mr. Baron's own idea.

Mr. Hyland also acknowledged that Mr. Wilson's wife was one of the two mystery women in the case. She was interviewed Tuesday night and again yesterday before Mr. Hyland decided to file a complaint against Mr. Baron.

The second mystery woman—the one who led officers to Mr. Wilson's grave—has not been named yet by the authorities.

Mr. Hyland said he filed a complaint following a news conference held by George Burke, district attorney of Norfolk County, Mass., yesterday afternoon.

Sources in Boston also told The Press Democrat that Mr. Baron was reputed to be an executioner for members of the Mafia, but had a falling out with them and turned against them.

His testimony was responsible for the arrest and conviction of numerous gangland figures in the state and Federal courts in the East Coast.

He was arrested and sent to prison for violating parole by leaving the State of Massachusetts without permission.

### Celimates

District Attorney Burke in his news conference yesterday said the case began to unfold about three weeks ago when he was contacted by two inmats of

(Continued on Page 3, Col. 1)

EXHIBIT 354

1808

# *Gangland Suspect Charged in Valley Gravesite Slaying*

(Continued from Page 1)

WALP State Prison of Massachusetts.

The convicts, William R. Gerroway, a murderer, and Lawrence Wood, an armed robber, were cellmates of Mr. Baron while Mr. Baron was imprisoned at Walpole, Mr. Burke said.

The convicts allegedly told Mr. Burke and two detectives that Mr. Baron was involved in a California slaying last July.

Mr. Burke said a three-week investigation by his office and Santa Rosa Police Chief Melvin E. Flohr was climaxed with the discovery of Mr. Wilson's body in Glen Ellen.

Mr. Burke said he has asked Sonoma County authorities for ballistics reports to see if the bullets that killed Mr. Wilson may fit into any unsolved crimes in the Boston area.

Mr. Baron, Mr. Burke said, was transferred from Walpole to another prison, Barn Stables House of Corrections, about five weeks ago.

Sources in Boston said Mr. Baron usually receives favorable treatment from authorities there because of his willingness to finger and turn state's evidence against underworld figures.

**Phones DA**

This was evident by the fact Mr. Baron somehow got hold of a telephone at the prison yesterday morning and telephoned Mr. Hyland at his office, a most unusual occurrence.

Mr. Hyland acknowledged Mr. Baron, using the name of Joseph Bentley, telephoned him collect from Massachusetts yesterday.

"I refused to accept the call," Mr. Hyland said, "then he called again, with him paying for the call, and I talked to him."

Mr. Hyland said when he received the call, "I nearly fell off my seat."

He wouldn't disclose the text of the conversation he had with Mr. Baron, but said Mr. Baron apparently was on a "fishing expedition" trying to find out what the authorities had against him.

Mr. Hyland said Mr. Baron learned he was a suspect from his wife, who lives in the Santa Rosa area going under the name of Bentley.

Mr. Baron's wife, Mr. Hyland said, apparently got in touch with Mr. Baron after officers, armed with a search warrant, visited the Sonoma County home and searched it for evidence earlier this week.

Mr. Hyland said a copy of the complaint and a warrant will be forwarded to Massachusetts asking authorities there to hold Mr. Baron for murder. The documents, when received there, will set into motion extradition proceedings.

Meanwhile, the funeral for Mr. Wilson, a member of Operating Engineers Local No. 3, was being held this afternoon at Santa Rosa Memorial Park.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 15 1970

TELETYPE

NR 016 BS PLAIN

11:20AM URGENT 10-15-70 JAM

TO: DIRECTOR 92-9828 166-3219

SAN FRANCISCO

FROM: BOSTON 92-1132 166-629

JOSEPH BARON, AKA, AR.

RE SAN FRANCISCO TELETYPE TO BUREAU OCTOBER THIRTEEN LAST.

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.

END PAGE ONE

Mr. Tolson
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Sizoo
Tele. Room
Miss Holmes
Miss Gandy

UNRECORDED COPY FILED IN 166-3219-

92-9828-21

REC-5

OCT 28 1970

OCT 20 1970

OCT 22 1970

EXHIBIT 355

BS 92-1132 166-629

PAGE TWO

BARON IS STILL BEING HELD IN THE BARNSTABLE COUNTY JAIL, BARNSTABLE, MASS., IN LIEU OF ONE HUNDRED THOUSAND DOLLAR BAIL FOR POSSESSION OF A GUN AND HAS A DETAINER ONHIM AS A PROBATION VIOLATOR. IF MURDER PROCESS OBTAINED RELATIVE TO HIM, IT IS FELT THAT HTE SHERIFF OF THE BARNSTABLE COUNTY JAIL SHOULD BE PROMPTLY NOTIFIED.

SAN FRANCISCO REQUESTED TO KEEP THE BUREAU AND BOSTON ADVISED OF ALL DEVELOPMENTS.

BOSTON FOLLOWING MATTER HERE AND WILL KEEP BUREAU AND SAN FRANCISCO ADVISED..

END

RECEIVED-DATE

OCT 12 11 40 AM '38

FBI

FEDERAL BUREAU OF INVESTIGATION

Date 10/15/70

At 8:45 a.m., October 15, 1970, JOSEPH BARON telephoned SA JAMES F. SCANLAN, JR., at which time he furnished the following information:

He called his wife last night who informed him two police officers had been to their house in California and informed her that the body of a former friend of his, CLAY WILSON, had been found in a hole. The police officers advised his wife that he was a prime suspect in the killing of CLAY WILSON.

He went on to explain that while in California in [redacted] he was in possession of an address book which contained the names and telephone numbers of various law enforcement officials throughout the country and he had lost this address book in one of the nightclubs. This telephone book was found and it was determined there were law enforcement names contained in this book and it was realized the book belonged to him. The question then arose as to whether or not he was an informer and questions were being asked.

This CLAY WILSON, previously referred to, was the individual who obtained his telephone book for him and returned it to him. CLAY WILSON also spoke up for him at this time telling the people asking questions that he had the name of a police officer in his telephone book and did that make him an informer? For this reason, he felt a feeling of gratitude toward CLAY WILSON and regarded him as his friend.

As regards to CLAY WILSON, he explained CLAY WILSON had recently married a girl in California who had been previously married. Her former husband brought a custody petition against the new wife of CLAY WILSON and as a result of the custody petition the child was taken from his mother. This girl, who was married to CLAY WILSON, 92-1183- was known to him as DOROTHY or DEE.

On 10/15/70 at Boston, Mass. (telephonic) File# BS 92-1132
BS 166-629

by SA JAMES F. SCANLAN, JR./gm Date dictated 10/15/70

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 356

004432

2.
BS 92-1132
BS 166-629

Because DEE lost custody of her son, she became very upset and felt CLAY WILSON was the reason why she lost custody of her son. Because of her having lost this custody, relations between DEE and CLAY WILSON became very strained and as a result CLAY WILSON gave her several beatings.

When he, JOE BARON, returned to California from one of his trips to Boston, he found out DEE and CLAY WILSON had split up and he tried to patch things up. CLAY WILSON, during this period, was beating her up, knocking doors down and finally he was jailed and then bailed out. CLAY WILSON, according to BARON, at this time, was on acid and mescaline.

One of the individuals who was asking questions about him (BARON), because of the address book, was one RAY PINOLLO (phonetic). PINOLLO, allegedly mixed up with JOHN FORTUNATO, threatened CLAY's wife on several occasions, threatened CLAY's life and also BARON's life.

[redacted]

3.
BS 92-1132
DS 166-629

H [redacted]

As to CLAY WILSON, again he mentioned his wife was told his body had been found in a hole and a girl had led the authorities to the hole in the Glen Ellen section. He said he didn't know where the Glen Ellen section was. His wife told him in the telephone call of the body being found, the fact he was a prime suspect and the fact they searched her house. They told her he had done it while she was back in Boston in July of this year. His wife is all upset and crying and he feels he is being "framed".

The last time he saw CLAY WILSON he patched things up between CLAY and his wife and CLAY agreed to part with the wife to pacify her former husband which would be of assistance in a future custody hearing.

His wife told him she is so upset she wants to move and that she had called the Boston Task Force and no one would talk to her.

He emphasized that to mention his name in connection with the killing of CLAY WILSON is a "frame" because he had no animosity towards CLAY WILSON, was very friendly with him and, as previously related, CLAY proved to be his friend by getting back his address book and standing up for him when people were questioning who he was.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
OCT 16 1970
TELETYPE

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. Sullivan
Tele. Room
Miss Holmes
Miss Gandy

NR 020 SF CODE

748PM NITEL 10-16-70 LCH

TO DIRECTOR (92-9828)

BOSTON (92-1132)

FROM SAN FRANCISCO (92-2061) (P) (IP)

JOSEPH BARON, AKA. AR.

RE SAN FRANCISCO TEL TO BUREAU, OCT. FIFTEEN LAST.

LOCAL AUTHORITIES, SANTA ROSA, CALIF., LOCATED DEE MANCINI THIS DATE. MANCINI ADMITS IN SUBSTANCE SAME STORY AS WITNESS PAULETTE RAMOS; SPECIFICALLY, THAT SHE WITNESSED SHOOTING OF VICTIM CLAY WILSON BY SUBJECT BARON IN PRESENCE OF RAMOS.

SAN FRANCISCO OFFICE CLOSELY FOLLOWING MATTER WITH LOCAL AUTHORITIES.

BUREAU AND BOSTON WILL BE KEPT ADVISED.

REC 83 92-9828-17

E N D

GMV WASH DC FBITU

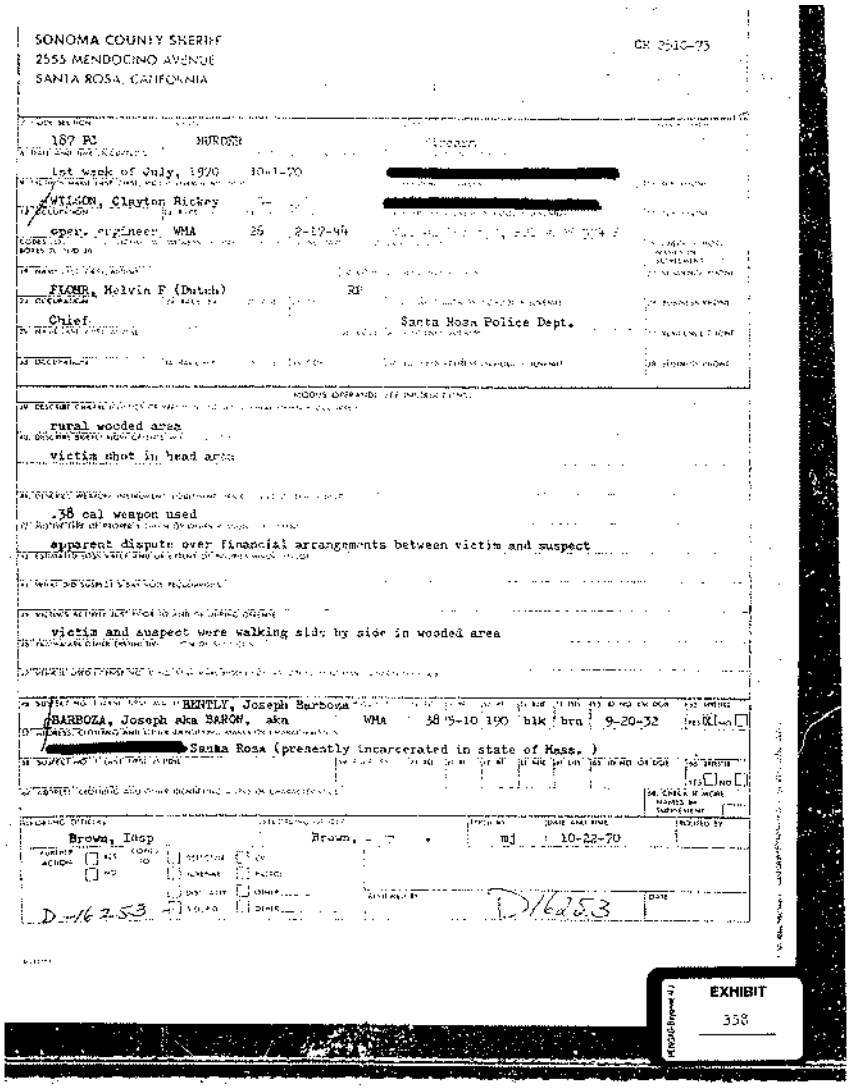
WA CLR

EX-112

16 OCT 20 1970

55 OCT 22 1970

EXHIBIT
357



SONOMA COUNTY SHERIFF
2555 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA

CR 2510-70

187 PC MURDER

1st week of July, 1970 10-1-70

[redacted]

WILSON, Clayton Rickey [redacted]

oper. engineer WMA 26 2-17-44

FIORE, Melvin F (Dutch) RF

Chief Santa Rosa Police Dept.

rural wooded area

victim shot in head area

.38 cal weapon used

apparent dispute over financial arrangements between victim and suspect

victim and suspect were walking side by side in wooded area

BENTLY, Joseph Barboza

BARBOZA, Joseph aka BARON, aka WMA 38 5-10 190 blk brn 9-20-32 YES NO

[redacted] Santa Rosa (presently incarcerated in state of Mass.)

YES NO

Brown, Insp Brown, mj 10-22-70

D-16253 D-16253

EXHIBIT
358

SONOMA COUNTY SHERIFF
2555 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA

CR 2510-73

(1)

| 10 CODE SECTION | 11 CRIME | 12 CLASSIFICATION |
|---|---|---|
| 187 P; | MURDER | FIREARM |

13 VICTIM'S NAME (LAST, FIRST, MIDDLE) (IF A BUS.) | 14 ADDRESS | RESIDENCE | BUSINESS | 15 PHONE

WILSON, Clayton Rickey

W.#1:WILSON, Dorothy Dale, aka Dee aka Dee MANCINI WILSON, WFA, DOB: 10-23-45, residence: [redacted] Santa Rosa (wife of murder victim)

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W. #3: GERAWAY, William R. , WMA, DOB: 9-18-36, residence: presently incarcerated Massachusetts State Prison.

W. #4: WOOD, Lawrence, WMA, DOB: 9-30-25, residence: presently incarcerated Mass. State Prison.

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At approx 1:50 pm Lt. Stephens, myself, and witness Dorothy Wilson departed by charter plane enroute to Fresno to contact witness Ramos.

| REPORTING OFFICERS | RECORDING OFFICER | TYPED BY | DATE AND TIME | ROUTED BY |
|---|---|---|---|---|
| Brown | Brown | mj | 10-22-70 | |

FURTHER ACTION: ☐ YES ☐ NO
COPIES TO: ☐ DETECTIVE ☐ DA ☐ PATROL ☐ DIST. ATTY ☐ OTHER ☐ S.O./P.D. ☐ OTHER

REVIEWED BY | DATE

SONOMA COUNTY SHERIFF
2555 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA

AT CASE NO. GR 2510-73

(2)

| 70. CODE SECTION | 71. CRIME | 72. CLASSIFICATION |
|---|---|---|
| 187 PC | MURDER | FIREARM |

73. VICTIM'S NAME LAST, FIRST, MIDDLE, FIRM OR BUS: WILSON, Clayton Rickey

74. ADDRESS | RESIDENCE | BUSINESS | 75. PHONE

Ramos was contacted at the race track where she was employed as a groom and we returned to Santa Rosa arriving approx 7:pm on Monday, 10-12-70. At approx 7:20 pm Ramos was brought to the DA Inv. Office where she was interrogated regarding her knowledge of the alleged murder, by Chief Flohr, Inv. Cameron, Lt. Stephens and this officer. For approx two hours, witness Ramos denied any knowledge of the murder.

At approx 9:35 pm Ramos stated to Cameron that she did have knowledge as to the location of the buried victim. She agreed at this time to lead a party to the grave area.

The entire interview with Miss Ramos was recorded on tape and is retained and in DA Inv. Cameron's possession, tape is dated Monday, 10-12-70 and is marked tape #1.

When Miss Ramos finally admitted that she had knowledge as to the location of the body, she gave the following account of the events occurring on the night the body was buried.

Mrs. Ramos related that Joe Bently arrived at the Glen Ellen residence located on Lakeside Drive one morning during the first week of July. Ramos stated maybe it was on a Sunday. She states that Joe said "let's go for a ride, come help me do this, watch for me and see if anyone is coming." She states that she got into his station wagon and they drove near to where the burial site is located. Ramos states that he had it in the bushes and that it was not in the car. She states that she saw a blanket and asked Joe what it was and Joe's reply was that it is Clay. Ramos states that the burial site was in the hills sort of by Jack London XXXX Park. She states that when she first observed the body being wrapped in a blanket, the feet were tied. At this time Ramos states that Dorothy Wilson was in bed at the residence on Lakeside Drive. Ramos states that the events which occurred are hard to remember because she forgot about the whole thing. At this time she could not recall any further conversation at the burial area.

At approx 11:40 pm, the listed officers, Chief Flohr, Inv. Cameron, Asst. Chief Gesek, Lt. Stephens, Coroner Noriel, Capt. Hayes, Sgt. Speridon, ID Tech Stowe, and officers of the Sonoma Valley sub station, along with myself, Insp Brown, being led by Miss Ramos, arrived at the grave area. Miss Ramos had little difficulty in locating the exact area where the body was buried.

| REPORTING OFFICERS | RECORDING OFFICER | TYPED BY | DATE AND TIME | ROUTED BY |
|---|---|---|---|---|
| Brown | Brown | mj | 10-22-70 | |

FURTHER ACTION: ☐ YES ☐ NO

COPIES TO: ☐ DETECTIVE ☐ CH ☐ ADVANCE ☐ PATROL ☐ DIST. ATTNY. ☐ OTHER ☐ S.O.,R.D. ☐ OTHER

REVIEWED BY | DATE

SONOMA COUNTY SHERIFF
2555 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA

CR 2510-73

(3)

187 PC — MURDER — FIREARM

WILSON, Clayton Rickey

Prior to any digging in the area, photographs were taken by ID Tech Bob Stowe and digging commenced at approx 11:50 pm. At approx 11:55 pm, a rope was found, again photographs were taken by Bob Stowe, and the next item located was one leg of the deceased. Again photographs were taken and the entire body was exposed.

At approx 12:50 am members of Eggan and Lance Mortuary arrived and removed the deceased. This being Tuesday morning, 10-13-70.

All items of evidence or any value were retained by ID Tech Stowe, marked, tagged along with numerous photographs.

On Tuesday morning, 10-13-70, a second tape recorded interview with witness Ramos was conducted at the DA's Office, interview is recorded on tape #9, retained by Inv. Cameron.

During the course of the interview, witness Ramos denied being present when Bently killed Clay Wilson. Ramos states that Joe Bently told her that the body was Clay, and setting the date of the killing, Ramos states that it was within a week that Dorothy Wilson had the deceased Clay Wilson arrested. It was on the next week end. Ramos states that about 7:30 or 8:am Joe Bently came to the door and said "let's go for a ride, to where we used to ride the horses up on the hill." She states that he had a shovel in his station wagon at this time.

Again on Tuesday, 10-13-70 at approx 3:10 pm Sheriff's Officers returned to the grave area to conduct a further search for items of evidence. Present were Capt. Hayes, myself, Inspectors Nobre and Smith, and ID Tech Stowe and Inv. Cameron. A search of the area was conducted by Capt. Hayes with a metal detector in an attempt to locate slugs and other items of evidence. Again photographs were taken of the area by ID Tech Stowe who also retained all items of evidence seized at this time.

Again on Tuesday, 10-13-70 at approx 4:30 pm having a search warrant for the residence of Joseph Barboza Bently, and [redacted] located at [redacted] in Santa Rosa, officers arrived at the above address. Present were Inv. Cameron, myself, Insp McHenry and Smith.

REPORTING OFFICER: Brown | RECORDING OFFICER: Brown | TYPED BY: mj | DATE AND TIME: 10-22-70 | ROUTED BY

FURTHER ACTION: ☐ YES ☐ NO — COPIES TO: ☐ DETECTIVE ☐ CH ☐ JUVENILE ☐ PATROL ☐ DIST. ATTNY. ☐ OTHER ☐ S.O./P.D. ☐ OTHER

REVIEWED BY | DATE

SONOMA COUNTY SHERIFF
2555 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA

CR 2510-73

(4)

| 20 CODE SECTION | 21 CRIME | 22 CLASSIFICATION |
|---|---|---|
| 187 PC | MURDER | FIREARM |

23 VICTIM'S NAME (LAST, FIRST, MIDDLE, FIRM, ETC.): WILSON, Clayton Rickey

A search was conducted at their residence for the items listed in the warrant. Items seized at this time were retained by Inv. Cameron.

During the afternoon of Tuesday, 10-13-70, witness Ramos was flown back to Fresno and in turn, Dorothy Wilson was flown back to Santa Rosa. At approx 7:05 pm, Dorothy D. Wilson was brought to the Inspector's Bureau of the Sheriff's Office where a tape recorded interview was conducted by Inv. Cameron and myself. Mrs. Wilson denied knowledge of the murder and any involvement and agreed to return the following day, Wednesday, 10-14-70, for the purpose of taking a polygraph examination.

On Wednesday, 10-14-70, Dorothy Dale Wilson failed to show for the interview and polygraph examination as agreed the previous evening and officers were unable to locate her. On this day, Chief Deputy DA Ronald Fahey was assigned to prosecute this matter and a meeting was called by officers involved. It was decided to bring Paulette Ramos back to Santa Rosa from Fresno again, due to the fact she was not to return until Saturday, 10-17-70.

At approx 5:30 pm Insp Nunnally and myself departed for Fresno and at approx 3:05 am on Thursday, 10-15-70, Paulette Ramos was located at a motel in the Fresno area. At approx 3:35 am, we departed Fresno enroute to Santa Rosa arriving approx 5:50 am Thursday morning, 10-15-70. Miss Ramos was taken to her mother's residence in Santa Rosa with the agreement that at 2:30 pm she would be contacted and again brought to the DA's Office for further interview.

On Thursday morning, 10-15-70, Inv. Cameron and Deputy DA Fahey, met Dorothy Dale Wilson who had failed to show up the previous day as agreed, at her residence located on the corner of Yulupa & Phoenix Streets. Present at that time was her attorney, James Cooper. At this time another tape recorded interview was conducted, tape #4, and is retained by Inv. Cameron.

At this time witness Dorothy D. Wilson admitted knowledge as to the murder and admitted being present or near the area when Wilson was killed. Wilson, Dorothy states that Joe suggested going for the walk at which time, she, witness Ramos, the deceased Clayton R. Wilson and the responsible Joseph Barboza left the residence on Lakeside Drive, walking to the area where he was killed.

| REPORTING OFFICERS | RECORDING OFFICER | TYPED BY | DATE AND TIME | ROUTED BY |
|---|---|---|---|---|
| Brown | Brown | mj | 10-22-70 | |

FURTHER ACTION: ☐ YES ☐ NO
COPIES TO: ☐ DETECTIVE ☐ CK ☐ JUVENILE ☐ PATROL ☐ DIST. ATTY. ☐ OTHER ☐ S.O.P.O. ☐ OTHER

REVIEWED BY | DATE

SONOMA COUNTY SHERIFF
2555 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA

CR 2510-73

(5)

| 70 CODE SECTION | 71 CRIME | 72 CLASSIFICATION |
|---|---|---|
| 187 PC | MURDER | FIREARM |

73. VICTIM'S NAME (LAST, FIRST, MIDDLE, AKA'S, IF ANY) | 74 ADDRESS | 75 OCCUPATION | 76 AGE

WILSON, Clayton Rickey

On Thursday, 10-15-70 at approx 2:30 pm witness Ramos was picked up at her mother's residence and transported to the DA's Office where an interview was conducted by Inv. Cameron, Chief Deputy DA Fahey, and myself. This interview is recorded on tape #11, and is retained by Inv. Cameron.

Miss Ramos states that she was approx 4 to 6 car lengths from the gate at the end of Wake Robin Lane when she heard a shot. This was on the evening that Wilson was killed, being approx the first week in July, 1970. Miss Ramos states that he was shot approx two or three days before the house burned down, and in attempting to fix an exact date, she stated that it was the night after the fireworks being about the 5th or 6th of July. The time period of the shooting occurred between 10:pm and midnight. Miss Ramos states that Dee and herself were at the house on Lakeside Drive when Joe Bently Barboza and Clay Wilson arrived at the house, arriving there in Joe's station wagon. At that time Joe and Clay were talking loudly, however the exact contents of the conversation was not known to Miss Ramos. Miss Ramos stated that they were sitting outside on the porch and that Dee Wilson and herself were inside the house. She states Dee was walking in and out and came into the house stating "we are going to go for a walk" and at that time all four subjects left the residence. Miss Ramos states that she believes Clay told Dee to come one, that they were going to go for a walk.

On this night, Paulette Ramos states that she only saw one gun in the possession of Joe Bently. Miss Ramos states that they walked up Lakeside Drive and turned left, walking up Wake Robin Lane coming to the dead end at the gate on the right side as you arrive. Miss Ramos states that the gate may have been closed and that either Joe or Clay opened the gate. Miss Ramos states that Joe and Clay were walking ahead of her and Dee Wilson. At this time Clay was wearing leather pants. Joe Bently was wearing a jacket and slacks; Paulette Ramos was wearing levis as was Dee Wilson. Miss Ramos states that Bently and Clay Wilson were talking about ten feet ahead of them after passing the gate. Miss Ramos states that she did hear Joe Bently state to Clay Wilson "you've been hard to get a hold of" and this was spoken after they passed thru the gate at the end of the road. Miss Ramos states that it was very dark and that she was watching the ground while walking. With Joe and Clay Wilson ahead and that Joe was walking on the right and Clay was walking on the left at the gate. After passing thru the gate, and while she was about 4 or 5 car lengths behind Joe and Clay Wilson, she heard a gun shot and at the same time saw an orange flash. After the report of the shot and the flash, Miss Ramos ran and Dee Wilson ran with her. Miss Ramos states that Joe fired the gun, that she could not remember any scuffling, but it sounded like Clay fell.

| REPORTING OFFICER | RECORDING OFFICER | TYPED BY | DATE AND TIME | REVIEWED BY |
|---|---|---|---|---|
| Brown | Brown | mj | 10-22-70 | |

FURTHER ACTION: ☐ YES ☐ NO — COPIES TO: ☐ DETECTIVE ☐ DA ☐ PATROL ☐ DIST ATTNY ☐ OTHER ☐ S.O. W.D. ☐ OTHER

REVIEWED BY | DATE

SONOMA COUNTY SHERIFF
2555 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA

CR 2510-73

(6)

| 70 CODE SECTION | 71 CRIME | 72 DESCRIPTION |
|---|---|---|
| 187 PC | MURDER | FIREARM |

73 VICTIMS NAME LAST FIRST INDIVIDUAL NUMBER: WILSON, Clay Rickey

Miss Ramos stated that all of a sudden as they were walking up the road, she heard the shot and the flash. She states there were two or three shots fired. Again at the time the shot was fired, she was about four or five car lengths behind Barboza and Clay Wilson. At the time of the shot being fired, Dee Mancini Wilson was standing next to Paulette Ramos. Miss Ramos states that the shots echoed. In attempting to pin down the type of weapon used, Miss Ramos stated that the gun was a hand gun, and an automatic. Miss Ramos states that she did not see Joe Bently take the gun apart at any time. Miss Ramos states that upon seeing the flash, that it was high on the person of Clay Wilson being about head level. In going over the conversation with her again, Miss Ramos states that they were walking side by side and that all of a sudden there was gun fire and that Joe fired the gun. Ramos said she saw a flash and at that time Joe was somehow behind Clay at the time of the gun fire. The flash went from Joe toward Clay. At that time there was nothing said by either Joe or Clay.

Miss Ramos states that after the gun fire, she and Dee Mancini Wilson ran all the way home staying on the pavement of Wake Robin Lane, and then on Lakeside Drive until they reached the residence. Miss Ramos states that Joe Bently came back about two hours later after the gun fire. Miss Ramos had no knowledge as to how the body got from the spot of the killing to where it was buried. Miss Ramos states that Joe Bently stayed at the house from the time he returned after the shooting and did not leave the house to go any place in either his car or any other vehicle. Miss Ramos states that Joe finally said "something has to be done with Clay because he is laying up on a hill." "You saw it happen, so you can watch around." At this time Dorothy Wilson was asleep in Paulette's room and Miss Ramos and Joe Barboza departed the residence going to the hill where Clay Wilson in the bushes. About this time Miss Ramos states that Joe Bently said " it's nothing, it's just a life, it can end at any time and anyway he was a punk." Miss ~~WILSON~~ Ramos states that while they were walking up the hill to where Clay was to be buried, Joe stated that he shot him because of the stocks and the money. She states that Joe said something like "he burned me or he cheated me." Also "Clay didn't need to be around, he was causing trouble."

Miss Ramos states that on the night of the shooting, Clay Wilson's father, Jim Wilson, came to their house early the next morning. Miss Ramos states that Dee Wilson went outside and talked to Jim Wilson who stated that he had come looking for Clay. At that time Joe Barboza Bently was still in the house and had gone down stairs, and at the time Jim Wilson was at the house, it was after the body had already been buried.

Miss Ramos states that when she and Joe Bently began walking up the hill to bury Clay it was just starting to get light enough to see. At this time she states Joe took a shovel with him.

| REPORTING OFFICERS | RECORDING OFFICER | TYPED BY | DATE AND TIME | POSTED BY |
|---|---|---|---|---|
| Brown | Brown | mj | 10-23-70 | |

FURTHER ACTION: ☐ YES ☐ NO — COMES TO: ☐ DETECTIVE ☐ CU ☐ JUVENILE ☐ PATROL ☐ DIST. ATTNY ☐ OTHER ☐ SIGNED ☐ OTHER

REVIEWED BY | DATE

SONOMA COUNTY SHERIFF
2555 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA

CR 2510-73

(7)

| PA CODE SECTION | PI CRIME | PI CLASSIFICATION |
|---|---|---|
| 187 PC | MURDER | FIREARM |

PI VICTIMS NAME (LAST, FIRST, MIDDLE, FIRM IF BUS): WILSON, Clay Mickey

PI ADDRESS | RESIDENCE | BUSINESS | PI PHONE

After returning back to the residence, it was daylight when Mr. Jim Wilson, the deceased's father, arrived.

Miss Ramos states that after walking up the hill, to buryClay, Joe stated that he was going to bury Clay in the side of a hill. After digging the hole, he drug the body by a rope. During the time he was digging the grave, Joe took his gun out of his back waist band and laid it on the jacket that he had also taken off, and after digging the hole and completing the burying process, put the gun back in his waist band and put his jacket on again.

Miss Ramos states that Joe told her while they were walking back to the house "only you and I know where Clay is, and if anything ever comes down, you would have to be the one that spoke".

On Friday morning, 10-16-70, at approx 8:30 am witness Paulette Ramos was brought to the DA's Office. Miss Ramos accompanied by Inv. Cameron, Fahey and myself, returned to the area of the shooting where Miss Ramos ran thru the activities of the night of the murder with us. We arrived at the site of the murder at approx 9:15 am staying there until approx 10:05 am. During this time, it was found after interviewing and walking thru the incident with Miss Ramos, that the location of the shooting was about 200' more or less inside the gate after reaching the end of Wake Robin Lane. The shooting occurred on a right hand portion of the roadway leading to the left from the intersection at the gate. Miss Ramos states that being approx 15 to 20' behind Wilson and Barboza at the time of the shooting, she and Dee Wilson turned and ran after hearing the first shot and seeing the flash. After running back toward the gate about 15' or so, she heard a second shot, followed by a third shot.

After completing the interview at the scene of the shooting, Miss Ramos was again brought to the Sheriff's Office where a polygraph examination was administered her.

| REPORTING OFFICERS | RECORDING OFFICER | TYPED BY | DATE AND TIME | ROUTED BY |
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| Brown | Brown | mj | 10-23-70 | |

FURTHER ACTION: ☐ YES ☐ NO — COPIES TO: ☐ DETECTIVE ☐ CH ☐ JUVENILE ☐ PATROL ☐ DIST. ATTNY ☐ OTHER ☐ S.O./F.D. ☐ OTHER

REVIEWED BY | DATE

SONOMA COUNTY SHERIFF
2555 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA

CASE NO. CR 2510-73

(8)

| PD CODE SECTION | PD CRIME | PD CLASSIFICATION |
|---|---|---|
| 187 PC | MURDER | FIREARM |

PD VICTIM'S NAME | PD VICTIM'S ADDRESS | PD VICTIM'S PHONE

WILSON, Clayton Mickey

On Friday morning, 10-16-70 at approx. 11:30 am, Mrs. Dorothy Dale Wilson and her attorney, James Cooper arrived at the DA's Office. At this time another tape recorded interview was conducted, with Mrs. Wilson with her attorney present. This tape is marked #12, present during the interview were Cameron, Fahey and myself, Mrs. Wilson and her attorney. This tape is retained in the possession of Inv. Cameron.

Dee Mancini Wilson states that the date of the shooting was around July 4, 1970. She stated that Joe and Clay arrived in Glen Ellen in Joe's car and upon their arrival, it was dark. They had been talking about the bonds and Pinoli, and they were not happy. Mrs. Wilson states that they were at the house approx one half hour and that she believes around 8: or 8:30, they went for a walk. On this night, Joe Barboza Bently was carrying an automatic and also a .38 pistol. She is sure he had two guns on this night and that Joe usually had them with him. Mrs. Wilson states that it was Joe's idea to go for the walk and that at the time the suggestion was made, the four of them were in the living room of the residence on Lakeside Dr. She states that Joe said something like "it is a beautiful night, let's go for a walk". Mrs. Wilson states that all four of them left the house and they went for a walk up Lakeside Drive. Mrs. Wilson states that Joe Barboza Bently and her estranged husband, Clay Wilson were walking ahead of herself and Paulette Ramos. Mrs. Wilson states that other people were walking that evening, teen agers or the like, and further states that Clay and Joe were talking to each other, however, the contents of the conversation she could not hear.

She states they walked up Lakeside Drive and then up Wake Robin Lane. On this night, Mrs. Wilson states that Joe was wearing a green jacket. In attempting to pin down the exact distances between each other on the night of the shooting, Dee Wilson states that Clay and Joe were walking approx 10' ahead of herself and Paulette. Once thru the gate at the end of Wake Robin Lane, with Joe and Clay being about 16' inside of the gate, she heard the gun shot. Dee Wilson states that she may have screamed, she then turned and ran with Paulette. While she was running she heard more shots about three. She states that she and Paulette ran home.

Dee Wilson states that she recalls Clay's father being at the house in Glen Ellen about 4:am She states that she talked with Jim Wilson who informed her that Clay's mother was very upset. She did not ask Clay's father to come inside. At this time, Joe's car was in the car port and it was beginning to get day light.

On this same date, Friday, 10-16-70, at approx 1:20 pm, Dee Wilson, her attorney, Cooper, Fahey, Cameron and myself went to the area of the shooting, being the end of Wake Robin Lane, in Glen Ellen.

| REPORTING OFFICERS | RECORDING OFFICER | TYPED BY | DATE AND TIME | ROUTED BY |
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| Brown | Brown | mj | 10-23-70 | |

FURTHER ACTION: ☐ YES ☐ NO — COPIES TO: ☐ DETECTIVE ☐ CA ☐ INVENTORY ☐ PATROL ☐ DIST. ATTNY ☐ OTHER ☐ S.O.P.D. ☐ OTHER

REVIEWED BY | DATE

SONOMA COUNTY SHERIFF
2555 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA

CR 2510-73

(9)

| 78 CODE SECTION | 79 CRIME | 80 CLASSIFICATION |
|---|---|---|
| 187 PC | MURDER | FIREARM |

23 VICTIM'S NAME (LAST, FIRST, MIDDLE (MAIDEN NAME)) | 24 ADDRESS | RESIDENCE | BUSINESS | 25 PHONE

WILSON, Clayton Rickey

We went thru the events on the night of the shooting with Mrs. Wilson and then walked thru the sequence to the best of her memory. While at this area, Mrs. Wilson states that she does recall seeing some type of a flash, however, cannot definitely state that it came from the muzzle of a gun. She did, however, state that the gunshot and flash were at the same time. Mrs. Wilson also related the same as did Miss Ramos, being the road taken by the suspect and victim, and also indicated the same portion of the roadway in which the crime occurred being the right side of the road to the left after passing thru the gate. There was a discrepancy of about 40' as to the actual area that the shooting took place, as compared to that of Miss Ramos.

Mrs. Wilson states that on the night of the murder, she had taken several Seconal pills due to the concussion she had suffered as the result of a beating administered by the victim several days prior. Mrs. Wilson related that after hearing the report of the gun shot and seeing the flash, she and Paulette Ramos turned and ran back toward the gate and about the same time she reached the gate, she heard more shots. She states they then ran all the way down the paved portion of Wake Robin Lane, turning right at the corner and proceeding down Lakeside to the residence. After arriving at the residence, Mrs. Wilson states that she stayed up about a half an hour, then took some more Seconal pills and went to bed.

At approx 2:10 pm on this same date, Friday, 10-16-70, Mrs. Dorothy Dee Wilson, was given a polygraph examination at the Sheriff's Office.

On Monday, 10-19-70 at approx 2:05 pm, Cameron, Fahey and myself went to the James Wilson residence located 1069 Emerald Court in Santa Rosa, being the parents of the murder victim. The following is a statement obtained from both Mr. and Mrs. Wilson during that interview. They stated that on Monday, 6-29-70, their son's wife, Dee Wilson, came to their home requesting money to get Clay's car out of the body shop. A check for about $250. was written to the body shop and Dee Wilson departed. Late that afternoon, they again talked to her on the phone.

On Tuesday, 6-30-70 at about 11:am both Dee Wilson and Clay came to the parents house. Clay owed Master Charge approx $300. to $400. and the mother suggested that this be paid off along with Clay's car and his union dues. Mrs. Wilson, the mother of Clay, wrote a check for $4,748. to Clay and both Clay and his wife left the home.

| REPORTING OFFICER | RECORDING OFFICER | TYPED BY | DATE AND TIME | ROUTED BY |
|---|---|---|---|---|
| Brown | Brown | mb | 10-23-70 | |

FURTHER ACTION: ☐ YES ☐ NO — COPIES TO: ☐ DETECTIVE ☐ CS ☐ NARCOTICS ☐ PATROL ☐ DIST. ATTY ☐ OTHER ☐ S.O. F.D. ☐ OTHER

REVIEWED BY | DATE

SONOMA COUNTY SHERIFF
2555 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA

11th page

GR 2510-73

(10)

| PC CODE SECTION | PC CRIME | PC CLASSIFICATION |
|---|---|---|
| 187 PC | MURDER | FIREARM |

| PC VICTIMS NAME (LAST, FIRST, MIDDLE, FIRM & AUS.) | PC ADDRESS | RESIDENCE | BUSINESS | PC PHONE |
|---|---|---|---|---|
| WILSON, Clayton Rickey | | | | |

They state it was about two or three days later to the best of their memory, being around July 3, that the mother of Clay, Mrs. Wilson, had a dream waking up at about 3 in the morning and the contents of the dream was that Clay had been killed. Clay's mother stated that they had "done away with Clay". Clay's father attempted to calm down the mother, however, he left the home around 6:am at the mother's insistence and went to Glen Ellen. Mr. Wilson states he arrived there around 6:30 am and it was daylight. The place that he arrived was the residence on Lakeside Drive where Clay had been living with his new wife. When he arrived, he observed a Ford station wagon in the garage or car port. He states that the color was possibly green or on the darker side and it was a nice station wagon. The exact date that he arrived there, he is not sure of, however, states it may have been prior to the 4th of July. Mr. Wilson states that he knocked at the front door and Dee came outside in her night clothes. Mr. Wilson states he asked where Clay was and his wife Dorothy Dale Mancini Wilson stated that she had not seen him.

Clay's father, James Wilson, states that the replies were vague and that his wife, Dee Wilson, told him that she thought Clay would be back in two or three days. Mr. Wilson states that Dee Wilson acted like she could not wake up and just mumbled. He states that they stood off of the porch area near the garage near the car during the time that they were talking.

Clay Wilson's mother states that the day after the fire in which the residence on Lakeside Drive burned, date of fire was 7-8-70, she saw her son's wife on Yulupa Drive. She conversed with her as to the whereabouts of Clay and was told by his wife that she had not seen him and further stated that he had left with some friends in a black pickup.
Both Mr. and Mrs. Wilson, Clay's parents, state that they checked with the Exchange Bank, St. Francis Acre Branch, with the manager at that time, Mr. Lon Brewer, and Mr. Brewer informed the Wilsons that on 6-30-70 Clay and his wife Dee, came to the bank where they paid off the Master Charge bil and put the remaining monies in a savings account. They returned later the next day and the entire savings amount was withdrawn and the savings account closed.

On Monday, 10-19-70, at approx 5:05 pm, Capt. Hayes, Insp McHenry, ID Tech Stowe and myself returned to the area of the shooting as related by the two witnesses, Wilson and Ramos. With the aid of Capt. Hayes' metal detector, two slugs were found in the ground at the same area indicated by witness Ramos. The first slug was found at approx 5:20 pm and the surrounding area of this slug appeared to be dark in color and samples were obtained.

| REPORTING OFFICERS | RECORDING OFFICER | TYPED BY | DATE AND TIME | ROUTED BY |
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| Brown | Brown | mj | 10-23-70 | |

FURTHER ACTION: ☐ YES ☐ NO — COPIES TO: ☐ DETECTIVE ☐ CR ☐ JUVENILE ☐ PATROL ☐ DIST. ATTNT. ☐ OTHER ☐ S.O./P.O. ☐ OTHER

REVIEWED BY | DATE

SONOMA COUNTY SHERIFF
2555 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA

CR 2310-73

(11)

| CODE SECTION | CRIME | CLASSIFICATION |
|---|---|---|
| 187 PC | MURDER | FIREARM |

VICTIMS NAME (LAST, FIRST, MIDDLE, FIRM IF BUS): WILSON, Clayton Rickey

The evidence taken at this time was retained by ID Tech Stowe. Numerous photos were taken of the recovery processes. The location of the first slug found is 209' 11", measuring from the post containing the gate leading to the shooting site from the dead end of Wake Robin Lane.

The second slug was recovered at about 5:25 pm measuring approx 209'11" from the same location point as described above. Again several photos were taken during the recovery process. All items seized were marked and tagged and retained by ID Tech Bob Stowe.

Also found in the same area as the slugs was a metal pill box. This pill box was found approx 7' to the right of the position referred to above as the recovery of the first slug. This again was photographed and retained as evidence by ID Tech Stowe. This pill box was later identified on this same evening by Dorothy Dale Mancini Wilson as being the property of the deceased, Clay Wilson. Identification was made at approx 6:20 pm.

Also found in this same vicinity being approx 14' to the right of the location of the first slug, was a flashlight. This flashlight is taped with black tape and was laying on the grass.

On Tuesday, 10-20-70, a second search warrant was obtained for the residence of Joseph Barboza Bently, [redacted] Santa Rosa. Officers present during the search were myself, ID Tech Stowe, Cameron, Fahey. Arrival at the residence was 11:05 am and officers departed at 11:40 am. Numerous items taken as evidence were retained by ID Tech Stowe, and photos were taken of the proceedings.

Investigation to continue.

| REPORTING OFFICERS | RECORDING OFFICER | TYPED BY | DATE AND TIME | ROUTED BY |
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| Brown | Brown | mj | 10-23-70 | |

NUMBER ACTION: ☐ TFS ☐ NO — COPIES TO: ☐ DETECTIVE ☐ CU ☐ JUVENILE ☐ PATROL ☐ DIST. ATTY ☐ OTHER ☐ S.O. P.O. ☐ OTHER

REVIEWED BY: DATE:

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
Date: 2/18/71

Office: Boston, Massachusetts

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* -

EXHIBIT
359

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U. S. GOVERNMENT PRINTING OFFICE : 1969 O - 351-974

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
OCT 30 1970
TELETYPE

Mr. Tolson
Mr. Sullivan
Mr. Brennan C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

NR 003 BS PLAIN

10:05 AM URGENT 10-30 -70 JAM

TO: DIRECTOR 92-9828

FROM: BOSTON 92-1132

JOSEPH BARON, AKA. AR.

RE SAN FRANCISCO TELETYPE TO BUREAU OCTOBER TWENTY SEVENTY; BOSTON TELETYPE TO BUREAU OCTOBER EIGHT SEVENTY.

LAWRENCE WOOD, INMATE, MSP AT WALPOLE, WHO, WITH INMATE WILLIAM GARAWAY, PROVIDED AFFIDAVIT IMPLICATING BARON IN SANTA ROSA, CALIFORNIA, 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 FOLLOWING INFORMATION:

DATA HE PROVIDED RE BARON'S STORY OF MURDER IN CALIFORNIA ACCURATE. HOWEVER, AT REQUEST OF GARAWAY, HE HAS PROVIDED DEFENSE IN DEEGAN MURDER TRIAL, SUFFOLK COUNTY, MASS., FOUR AFFIDAVITS, NOT YET SIGNED.

END PAGE ONE

92-9828-22

REC 85

EX-111

15 NOV 3 1970

66NOV 9 1970

EXHIBIT
360

BS 92-1132

PAGE TWO

FIRST AFFIDAVIT PERTAINS TO BARON'S STATEMENTS THAT HE DID NOT KNOW WHAT WORD RECANT MEANT. WOOD SAID THIS AFFADIVIT IS TRUE; THAT BARON DID KNOW WHAT WORD MEANT.

SECOND AFFADAVIT CONCERNS BARON ALLEGEDLY TELLING HIM THAT HE TESTIFIED FALSELY RE 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 HIS HANDLING BY GOVERNMENT ACCURATE BUT THAT FACTS RE BARON ALLEGEDLY ADMITTING HE TESTIFIED FALSELY RE DEEGAN MURDER TRIAL NOT TRUE; THAT BARON NEVER TOLD HIM THIS STORY BUT FACTS DICTATED TO HIM BY GARAWAY.

THIRD AFFADAVIT CONCERNS DATA BARON ALLEGEDLY TOLD WOOD THAT ALL INFORMATION HE TESTIFIED TO IN FEDERAL TRIAL OF RAYMOND PATRIARCA FLASE; 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.

END PAGE TWO

FBI/DOJ

BS 92-1132

PAGE THREE

FOURTH AFFADAVIT ALLEGES BARON TOLD HIM THAT AUTHORITIES, NOT SPECIFIED, BROUGHT ANTHONY STATHAPOULOS TO HIM SO THAT HE, BARON, COULD TELL STATHAPOULOS WHAT HE SHOULD TESTIFY ABOUT. WOOD SAID AGAIN THIS IS NOT TRUE BUT FACTS PROVIDED TO HIM BY GARAWAY FOR AFFIDAVIT.

WOOD CLAIMS GARAWAY IS TO RECEIVE THIRTYFIVE DOLLARS THOUSAND FROM "OFFICE", HE, WOOD, TWENTYFIVE THOUSAND DOLLARS; THAT GARAWAY 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 THIS PLAN OTHER THAN GARAWAY; CLAIMED GARAWAY IN PROCESS OF PUTTING TOGETHER A LENGTHY AFFIDAVIT IN WHICH GARAWAY WILL ALLEGE BARON TOLD HIM HE LIED RE DEEGAN AND PATRIARCA CASES, SPECIFYING FBI AGENTS, U. S. ATTORNEY, TASK FORCE ATTORNEYS AND SUFFOLK COUNTY OFFICIALS AS BEING RESPONSIBLE FOR THIS TESTIMONY.

END PAGE THREE

BS 92-1132

PAGE FOUR

INASMUCH AS MOTIONS RE DEEGAN TRIAL SCHEDULED TO BE HEARD WITHIN THREE WEEKS, DISTRICT ATTORNEY, SUFFOLK COUNTY, WILL MAKE DETERMINATIONS AS TO WHETHER OR NOT WOOD SHOULD BE REMOVED FROM WALPOLE OR LEFT THERE TO CONTINUE THE RUSE OF BEING ALLIED WITH GARAWAY UNTIL HIS TESTIMONY ACTUALLY OCCURS.

BUREAU WILL BE ADVISED OF ADDITIONAL DEVELOPMENTS.

ALL INTERESTED AGENCIES INCLUDING TASK FORCE AT BOSTON ADVISED.

END

CORRECTION: ON PAGE THREE PARA TWO LINE TWO SHOULD READ AS FOLLOWS: THOUSAND DOLLARS FROM "OFFICE", HE, WOOD, TWENTYFIVE ETC.

END

RSP FBI WASH DC

CC: MR. GALE

FEDERAL BUREAU OF INVESTIGATION

Date 11/2/70

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LAWRENCE WOOD, Inmate, Massachusetts State Prison, Walpole, Massachusetts, was interviewed at the Massachusetts State Police Barracks, on Route 1, Foxboro, Massachusetts, at which time he provided the following data:

He was returned to Walpole on July 21, 1970, from Bridgewater and, ten days or two weeks later, went upstairs to cell block 10 where BILL GERAWAY and JOE BARBOZA were located. He saw GERAWAY and BARBOZA talking in the yard frequently, and, after being in cell block 10 for a week or so, heard BARBOZA make a statement to GERAWAY indicating "they" did a good job on MERCIDI (phonetic), this statement referring to the acid-blinding at State Prison of SONNY MERCIDI. He was involved in a house invasion with MERCIDI of some man who was supposedly connected with the "office" and, after conviction of this crime and while at Walpole, BILLY CAVANAUGH, another inmate, told him that he and the others involved in that crime were going to have a problem. He went to prison authorities to advise them of the danger, MERCIDI failing to pay heed to the warning, he being transferred to Concord, MERCIDI blinded three or four weeks later. After hearing this statement, he told GERAWAY that BARBOZA was no good, GERAWAY saying nothing at this time. It was about this time he also began to suspect GERAWAY was up to something with BARBOZA because he knew GERAWAY to be a super egotist who always looked out for himself.

He cannot recall dates but knows the above occurred about the time F. LEE BAILEY was coming up evenings to talk with BARBOZA. Also, at about this time, GERAWAY told BARBOZA that WOOD was with BARBOZA; that WOOD knew a lot about the law and would help BARBOZA. GERAWAY built him up to BARBOZA and after this build-up, BARBOZA invited him to have a sandwich, starting a friendly relationship between them, BARBOZA and he then talking in the yard, BARBOZA offering him marijuana cigarettes which BARBOZA smoked on a regular basis. During this period BARBOZA told him that BAILEY was bugging him to take a polygraph; that he, BARBOZA, could not take the

10/29/70 at Foxboro, Massachusetts File # Boston 92-1132

tenant WILLIAM BERGIN, Massachusetts State Police, and ROBERT E. SHEEHAN and WILLIAM J. WELBY Date dictated 11/2/70

...or contains neither recommendations nor conclusions of the FBI. It is the prop... to your agency; ...tents are not to be distributed outside your agency.

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polygraph because it would show he told the truth at the murder trial; that BARBOZA told him he was angling for a half million dollars from the "office" to change his testimony. BARBOZA discussed with GERAWAY and he how he could get away from the word "recant" which he used in his testimony; that he had to get away from the word "recant," by saying he did not know what the word meant, asking suggestions from GERAWAY and he. Either GERAWAY or he suggested substitution of the word "recount" for the word "recant," which seemed to appeal to BARBOZA.

GERAWAY told him that JERRY ANGIULO and the "office" were putting everything they had in getting the DEEGAN case tipped over; that ANGIULO would spend as much money as possible to free PETER LIMONE, the only one he really appeared to be concerned about; that ANGIULO realized this was the last chance he would have to free LIMONE and this move had to make good. GERAWAY said he would supply affidavits to help tip over the DEEGAN case and, at GERAWAY's request, he, WOOD, agreed to do the same. He then wrote in long hand affidavits at the request of GERAWAY, GERAWAY dictating to him what should go in the affidavit, with the understanding that the affidavits would be typewritten by the office of Attorney RONALD CHISHOLM and brought back to him for signature. He wrote out four affidavits as follows:

Affidavit No. 1 pertained to BARBOZA's conversations attempting to get out of knowing what the word "recant" meant. The information in this affidavit is true, BARBOZA discussing this with him and attempting to use lack of knowledge of the word "recant" as a ruse to back out of a prior affidavit he furnished for the "office."

Affidavit No. 2 pertains to data BARBOZA supposedly gave to him concerning the DEEGAN murder, as well as miscellaneous information concerning BARBOZA's custodial treatment in the hands of the United States Government. The information in this affidavit concerning BARBOZA allegedly telling him he lied

at the DEEGAN trial is wholly false. BARBOZA never discussed this with him, and all the information in the affidavit purporting to state that BARBOZA did supply him with information concerning the DEEGAN murder and trial was dictated to him by GERAWAY. In fact, the only specific discussion BARBOZA had with him concerning the DEEGAN murder trial was the statement that he could not take the polygraph for BAILEY while trying to move the "office" for money because the polygraph would show that he testified truthfully at the DEEGAN murder. Other information in this affidavit notes BARBOZA told him the following:

A. BARBOZA spent $9,000 of his own money while in federal custody that he was supposed to get back and never did.

B. The Federal Government promised him an additional $20,000 which they did not give to him. This money was supposed to have come by siphoning money from the United States Marshals detail by claiming assignment of 15 men when there were supposed to be 10.

C. The United States Government was supposed to give BARBOZA plastic surgery but did not do it.

D. BARBOZA travelled around the world with Merchant Marine papers provided to him by the United States Government; that he got the "clap" in Manila; that he got into an argument with a guy in one of the Scandinavian countries, the guy cutting BARBOZA, BARBOZA then cutting the guy from ear to ear.

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E. That BARBOZA was maintained by the United States Government for a time at Fort Knox; that BARBOZA was also maintained at a Gloucester, Massachusetts, estate where the Feds gave him booze and marijuana; that BARBOZA worked at the Gloucester estate rigging up floodlights; that BARBOZA had his two German Police dogs with him at Gloucester.

WOOD said the information in this affidavit relating to the data set forth regarding BARBOZA's handling by the government (as set forth in A through E above) was actually information BARBOZA personally provided to him as distinguished from the data concerning the DEEGAN murder which GERAWAY provided to him.

Affidavit No. 3 pertained to either RAYMOND PATRIARCA or ANTHONY STATHOPOULOS, the fourth affidavit pertaining to the one not referred to in the third affidavit. The affidavit pertaining to RAYMOND PATRIARCA contains information that BARBOZA told him that the main United States Government thrust was toward RAYMOND PATRIARCA, HENRY TAMELEO, a "throw-in"; that this case was a "frame" against RAYMOND PATRIARCA, and all the information he testified to at the PATRIARCA trial was given to him by federal agents. This information is completely false, and was supplied to him by GERAWAY. BARBOZA never discussed the PATRIARCA case or trial with him.

The affidavit concerning STATHOPOULOS alleges that BARBOZA told him STATHOPOULOS was brought to him, BARBOZA, when he was locked up; that BARBOZA coached STATHOPOULOS on exactly what to say at the trial. The information in this affidavit is also false and was provided to him by GERAWAY. He does recall some conversation about poison relating to STATHOPOULOS but does not think this is in the affidavit and cannot recall the details. Neither can he recall whether this conversation was with BARBOZA or GERAWAY.

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All of the "heavy stuff" concerning BARBOZA's allegedly telling him he lied at trials was dictated to him by GERAWAY who said he, GERAWAY, would provide affidavits in more detail with specifics, leaving WOOD to provide affidavits of a more general nature.

The affidavits in his handwriting were given to an Attorney RUSSELL who came to Walpole with Attorney RONNIE CHISHOLM, RUSSELL initiating the conversation by suggesting he, WOOD, send for RUSSELL. He never sent for RUSSELL and never heard of him before, RUSSELL obviously coming at GERAWAY's direction since, on this occasion, he had already handwritten the affidavits which he turned over to RUSSELL. GERAWAY told him that the affidavits would be re-typed at CHISHOLM's office and returned for his, WOOD's, notarized signature. WOOD pointed out that he does not want to sign false affidavits in connection with a capital case; that to pacify GERAWAY he followed GERAWAY's direction in handwriting the affidavits but is extremely concerned at the prospect of signing his name, under oath, to the false affidavits.

GERAWAY also made available affidavits to CHISHOLM and is still in the process of handwriting a long affidavit, which must be about 70 handwritten pages at present, and in which GERAWAY is alleging BARBOZA told him that his, BARBOZA's, testimony in the DEEGAN and PATRIARCA cases was based on directions of CONDON, RICO, BARNES, MARKHAM, and HARRINGTON.

GERAWAY told him that they would receive a total of $60,000 for giving the affidavits and testifying, $35,000 for GERAWAY, $25,000 for him. GERAWAY does not trust anyone, including RONNIE CHISHOLM, and after discussing who would hold the money, GERAWAY agreed that his, WOOD's, Attorney, WILLIAM C. FLANAGAN, 31 Elm Street, Springfield, Massachusetts, would be the best one. FLANAGAN is a legitimate Attorney who knows nothing about this situation. The amount of $12,000 in two envelopes is supposed to be delivered to FLANAGAN's office in Springfield, attached to each envelope one note, one handwritten by GERAWAY, the other by him, instructing FLANAGAN

to hold the envelopes until they get in touch with him and give him instructions what to do. GERAWAY is extremely upset that FLANAGAN has not been to Walpole despite the fact he, WOOD, has had messages left at FLANAGAN's office to come to Walpole. FATHER FOLEY, the Catholic Chaplain, called FLANAGAN's office for him and, at GERAWAY's insistence, Attorney RONNIE CHISHOLM was supposed to call FLANAGAN and tell him WOOD wanted a visit. GERAWAY said CHISHOLM wanted nothing to do with the payment of money. One of the biggest problems on GERAWAY's mind as of today, October 29, 1970, was the failure of FLANAGAN to come and see them. The money could have been delivered as early as yesterday, October 28, 1970, to FLANAGAN's office. GERAWAY plans to have bonds purchased in his name, photostats of the bonds sent to CHISHOLM, he, GERAWAY, to have the serial numbers via him, WOOD, GERAWAY indicating that an additional $20,000 will be delivered the week following the $12,000 delivery.

GERAWAY told him that, in addition to the money, the "office" is having DICK LANE do investigative work to help GERAWAY with his appeal. RONNIE CHISHOLM is also assisting GERAWAY and suggested that an affidavit might be obtained from EDWARD KENNEDY, GERAWAY's brother-in-law, who testified against him at the murder trial resulting in GERAWAY's incarceration, who might make out an affidavit that he lied at GERAWAY's trial. GERAWAY told him CHISHOLM said KENNEDY would understand the power of the "office." CHISHOLM also suggested to GERAWAY that they not bail out KENNEDY, recently arrested on some type of narcotic charge, for a couple of weeks to give KENNEDY time to get straightened out from the pills he was taking.

WOOD said all the information concerning CHISHOLM has been received by him from GERAWAY as distinguished from conversation with CHISHOLM; that he himself has had no conversation concerning BARBOZA directly with CHISHOLM.

He is convinced that the majority of the data concerning GERAWAY's instructions comes from RONNIE CASSESSO, locked up in death row, with whom GERAWAY chats every day.

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GERAWAY told him this was how he got out the notes to be attached to the envelopes being forwarded to Attorney FLANAGAN.

He also provided an affidavit to Lieutenant BERGIN of the Massachusetts State Police concerning BARBOZA's statements about murdering a man in Santa Rosa, California. The information in this affidavit was true, BARBOZA's statements initiated following his reading of a newspaper article concerning a murder trial in California in which someone received immunity to testify. As a matter of fact, BARBOZA shouted, "Immunity," several times after reading the newspaper. BARBOZA continued to talk about "immunity" and, apparently convinced of GERAWAY's story that he was going to beat his case and get released, asked GERAWAY if he would go to California with NICKY FEMIA to dig up the body, smash the teeth of the corpse, and cut off the fingers. BARBOZA commented that he wished he could bury PAULETTE, a young 18-year old girl who helped him bury the body, as well as the wife of the man he killed, whose name he is pretty sure is DEE. The question of "immunity" was constantly on BARBOZA's mind and he made a statement that this was the first body he buried and he probably would be going to the gas chamber. His understanding from BARBOZA is that the man killed had a "beef" with his wife over children. BARBOZA did not give him movement-by-movement of the murder but did tell him that while dragging the body, after shooting the victim, one or both of the victim's eyes were bulging out, PAULETTE almost vomiting, BARBOZA throwing something over the victim's face. BARBOZA also told him of seeing a horseback rider go by and thinking the rider might have seen something, moving the body the next day. BARBOZA gave him every indication that PAULETTE helped him bury the body. BARBOZA also said he fired three shots into the victim, the shots fired so that the victim's wife could hear; that BARBOZA did not give him the details of how he got the victim out of his house but did indicate that the murder took place in Santa Rosa, California, or that vicinity.

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BARBOZA also said he killed two other individuals on the West Coast; that he had FRANKIE BALLIRO killed by putting chlorohydrate in a drink and then someone driving FRANKIE's car and jumping out, making it look like FRANKIE cracked up; that he followed the same procedure in killing one DURFEE whom BARBOZA described as a New Bedford cop and whom he, WOOD, now understands was the Chief of Police in New Bedford, Massachusetts. BARBOZA claimed to have taken out DURFEE because DURFEE gave he, BARBOZA, and his brother a hard time. BARBOZA provided him no specifics concerning the DURFEE murder, that is, how he got the dope to the Chief or where he met him.

WOOD said he is in the process of providing all information in his possession concerning the DURFEE matter to the Massachusetts State Police and the New Bedford Police.

BARBOZA also told him that he killed CARLTON EATON, shooting EATON while he, BARBOZA, was driving, EATON a passenger in the front seat, NICKY FEMIA in the back seat. BARBOZA told him he was high on marijuana at that time and that when he shot EATON a lot of matter went into his hair, BARBOZA saying that he brushed out his hair and found a hard substance which he put in his mouth, then spitting it out, realizing it was part of EATON's skull. BARBOZA gave him the impression that EATON was killed because he stole AMICO's diving equipment and owed money on lottery tickets.

BARBOZA told him that he personally "whacked out" six people since he had been released by the United States Government.

GERAWAY told him that RONNIE CHISHOLM said that the FBI would "whack out" GERAWAY on one of GERAWAY's trips to court; that CHISHOLM supposedly told GERAWAY he knew an FBI Agent named GARRETT who told him of these plans. WOOD said he realized this was ridiculous but feels GERAWAY is convinced that this will happen.

GERAWAY told him also that he can get messages from PATRIARCA in Atlanta in a couple of days, he, WOOD, feeling that RONNIE CASSESSO is the one who passes data from GERAWAY

EFH:mps

James W. Featherstone
Deputy Chief, Organized Crime
and Racketeering Section,
U. S. Department of Justice
Edward F. Harrington-Attorney in Charge
Boston Field Office-Organized
Crime and Racketeering Section

November 5, 1970

Joseph Barboza Baron's alleged
involvement in the California murder

In late September of 1970, William Garroway and Lawrence Woods, inmates at the Massachusetts Correctional Institution at Walpole, Massachusetts, wrote letters to the Chief of Police at Santa Rosa, California. They advised the Chief of Police that Joseph Barboza Baron, who was confined with them at Walpole, had told them that he murdered an individual in the Santa Rosa, California area whose wife was having a child-custody problem with the victim. They told authorities that Joseph Barboza Baron was assisted with the burial of the murder victim by an 18-year old whose first name was Paulette.

Santa Rosa authorities came to Massachusetts, interviewed the inmates and obtained affidavits. These inmates wanted to be taken to California to provide further assistance but Santa Rosa authorities declined. Upon the return to Santa Rosa, the authorities located and interviewed one Paulette Ramos, age 18, and Dee Mancini, the wife of the murder victim. These individuals stated that Joseph Barboza Baron had shot and killed one Clay Wilson, the husband of Dee Mancini, that they were present when it happened and that Paulette Ramos had assisted in the burial.

Santa Rosa authorities advised that Ramos and Mancini had both taken polygraph tests which indicated that they were telling the truth. They believe that Joseph Barboza Baron became involved with the victim, Clay Wilson, in connection with a burglary and also may have been enamored with Dee Mancini thus murdering Clay Wilson. Process has been issued for Baron's arrest in this murder and has been lodged in Massachusetts against him.

Since these developments, Woods has furnished information that Garroway, through Attorney Ronald Chisholm, has had Woods making up false affidavits to the effect that Baron told him he did not testify truthfully in the Deegan murder case and the Patriarca case. Woods now says that Baron never discussed these cases but that he, Woods, would receive $25,000 for such affidavits and Garroway would receive

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$35,000. Even though Woods does state that these affidavits would be false and Baron never did furnish any information on the Deegan and Patriarca case to him, he still states that Baron did discuss with him the murder of the individual now identified as Clay Wilson in Santa Rosa, California.

Information received from a witness now in the protective custody of [redacted] indicates that Baron 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 Baron and F. Lee Bailey where Bailey gave Baron $800 and told him that "the people" had agreed to the $500,000 but that he, Bailey, would not act as the intermediary. Baron did receive $2,000 from Frank Davis a close associate of Raymond L. S. Patriarca, to come East and negotiate with them relative to his change of testimony. His wife was supposed to get $1,000 per month from the organization but no information has been received that she received any more than an initial payment of $1,000 as Baron dropped F. Lee Bailey and would not go through for the organization.

No information has been developed relative to any actual money paid to Garroway or Woods except that Woods states that they have been promised $35,000 and $25,000.

By way of background information, Garroway is doing life after conviction for the gangland murder of David Sidlauskas in Quincy, Massachusetts. Woods is serving a lengthy sentence for armed robbery. Garroway has in the past furnished false information to law enforcement people relative to capital cases.

Baron's wife is still residing in Santa Rosa, California, where her identity has become known as a result of Baron's alleged involved in the murder of Clay Wilson. Since he has now gone a turn-about, drop F. Lee Bailey and refused to go through for the organization, in order to upset the Deegan murder convictions and the Patriarca case, his wife and children could now be in danger as a result of the organization.

Sworn affidavit re: Personal letter from F. Lee Bailey to Baron

I, William R. Goreway, 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 Cassese, Louis Grieco and Joseph Salvati.

3) Baron admitted that a federal case resulting in convictions against Tameleo, Cassese 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

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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 office 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 front 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 letter, 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

hea 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 onz 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 peregraph 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

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 the 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. Graham

WILLIAM A. GRAHAM

Sworn and subscribed to me and before me on this 9 day of November, 1970.

Anthony P. Maleski

NOTARY PUBLIC

Original to F. Lee Bailey
cc., notarized, to [redacted]
file
&
Lt. Wm. Bergin

The Commonwealth of Massachusetts
Massachusetts Defenders Committee
222 Union Street, New Bedford 02740
TEL: 997-3501

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ROGER A. SIMASCO
CHIEF COUNSEL

ARTHUR J. MOWLER
EXECUTIVE SECRETARY

November 13, 1970

Kenneth M. Wells, Esquire
Public Defender of Sacramento County
403 Court House, 720 Ninth Street
Sacramento, California 95814

Dear Mr. Wells:

I have taken your name from the Directory of Legal Aid and Defender Services 1970. If I have not reached the proper office, I would appreciate your sending this letter on where it belongs.

I was appointed to represent one Joseph Barboza Baron, a convicted murderer who turned states evidence and testified against several Mafia individuals for the Department of Justice, on gun carrying charges following an arrest in New Bedford, Massachusetts. Barboza had been given clemency for his testimony and was placed in California by the Department of Justice with a new identity. From what I understand he remained in California for about a year and then came back to New Bedford, which is his home town.

He has now been accused of murder in the Santa Rosa area, which he strongly and firmly denies. He proposes to fight rendition from Massachusetts to California and he has written to Governor Reagan as well as the Governor of Massachusetts and the Attorney General of Massachusetts with respect to his local rendition hearing.

From what he knows it would appear that his involvment in the California murder is based upon statements given by two inmates of our state prison, which is called Massachusetts Correctional Institution, Walpole. One man, a William Geraway, has been held in protective custody in Walpole as an informer for a period of five years, the other man, a Lawrence Wood, has been locked up in protective custody for 13 years in Walpole as an informer. I believe Wood is serving life for murder and Geraway is serving a 30-40 year sentence for some type of home invasion and putting the owners, a husband and wife, in fear by holding a little baby over a bath tub to make them tell where the jewelry and money was in the house. One might

EXHIBIT
364

The Commonwealth of Massachusetts
Massachusetts Defenders Committee
222 Union Street, New Bedford 02740
TEL: 997-3301

WILLIAM C. FLANAGAN, CHAIRMAN
FREDERICK H. NORTON, JR., SECRETARY
EDWARD J. BARSHAK
LaRUE BROWN
JOHN H. BURKE, JR.
EDWARD J. DUGGAN
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LAURENCE H. LOUCKS
DAVID E. NELSON

EDGAR A. RINGOLD
CHIEF COUNSEL

FRANK J. ROWLAN
EXECUTIVE SECRETARY



immediately conclude that this is some type of argument between long term criminals were it not for the fact that in some manner Geraway claimed to have information in the Von Maxey murder trial which took place in Florida two or three years ago and which attained national publicity. Geraway testified for the prosecution, but in a strange set of circumstances Geraway's brother, who is also an M.C.I. Walpole inmate, testified for the defense that his brother was a chronic liar. There is additional evidence that Geraway informed on his father from Walpole which resulted in his father being convicted and sentenced to Walpole where he died. We understand that District Attorney Byrne of Boston has dismissed cases wherein Geraway was a witness on the ground that Geraway is known as a chronic, perverted liar.

I do not know the procedures in California, but in some fashion I would assume that an application is made to the Governor of California to bring Barboza Baron to California. I am writing to you in the hope that you are in communication from time to time with the authorities in the State House of California concerned with extradition. It would seem reasonable that California further investigate the allegations emanating from Walpole before going to the expense of attempting to return Barboza to California.

Thank you for your consideration of this matter and I would appreciate hearing from you.

Very truly yours,

Edward J. Harrington, Jr.
Chief Public Defender

EJHJ:eml

NITED STATES G. .ERNMENT

# *Memorandum*

DEPARTMENT OF JUSTICE

DCtapa

: Mr. Harrington

DATE: November 16, 1970

OM : Dennis Condon, FBI

BJECT: Lawrence P. Hughes

Mr. Lawrence P. Hughes, born July 28, 1927, of [redacted] New Bedford, Massachusetts, 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 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". insert A

Hughes' criminal record includes convictions for assault and battery, larceny, fraud by check, neglect of family, and a violation of the Sunday entertainment laws.

He is currently held in protective custody with his wife and one small child, age 2. Until such time as his testimony is used it will be necessary to find employment for him out of the Boston area, preferably in another state. 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. His whole employment history has been that of a maitre de or first waiter. He would be an asset and extremely capable in the restaurant type business. [illegible] would not require protection but simply employment elsewhere.

EXHIBIT 365

004394

EFHrded

Gerald Shur
Criminal Division

11/16/70

Edward F. Harrington, Attorney in Charge
Boston Field Office, Organized Crime
and Racketeering Section

Lawrence P. Hughes

It is requested that employment be procured for Lawrence P. Hughes.

Mr. Lawrence P. Hughes, born July 28, 1927, of [redacted] New Bedford, Massachusetts, has been kept in protective custody by the Suffolk County District Attorney's Office as a potential witness for the last two months.

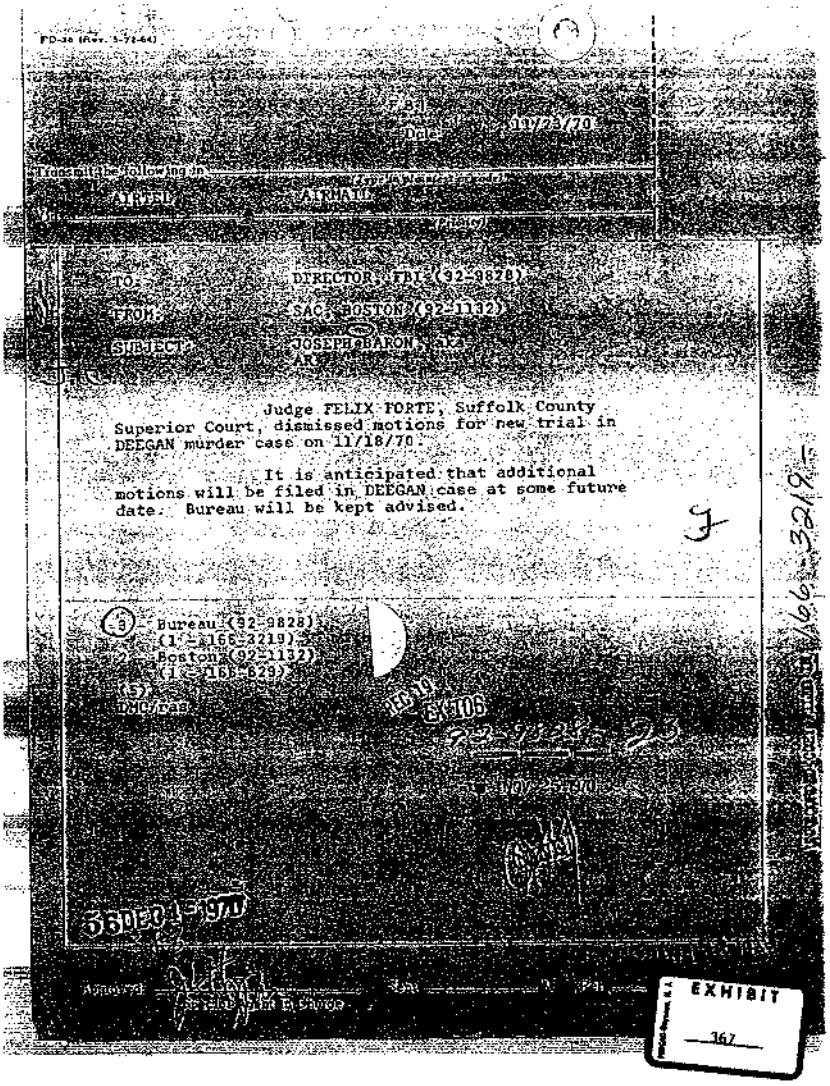
Hughes furnished information relative to a meeting in the woods in the Freetown, Massachusetts area between Joseph Baron and Frank Davis, an associate of Raymond L. S. Patriarca, relative to negotiations for a change of testimony on the part of Baron to release the organized crime figures that he had testified against. Hughes also was present when F. Lee Bailey turned over $600 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.

Hughes' criminal record includes convictions for assault and battery, larceny, fraud by check, neglect of family, and a violation of the Sunday entertainment laws.



He is currently held in protective custody with his wife and one small child, age 2. Until such time as his testimony is used, it will be necessary to find employment for him out of the Boston area, preferably in another state. 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. His whole employment history has been that of a maitre de of first writer. He would be an asset and extremely capable in the restaurant type business.



FD-36 (Rev. 5-22-64)

Date: 11/23/70

Transmit the following in (Type in plaintext or code)

AIRTEL AIRMAIL

(Priority)

TO: DIRECTOR, FBI (92-9828)

FROM: SAC, BOSTON (92-1132)

SUBJECT: JOSEPH BARON, aka
AR

Judge FELIX FORTE, Suffolk County Superior Court, dismissed motions for new trial in DEEGAN murder case on 11/18/70.

It is anticipated that additional motions will be filed in DEEGAN case at some future date. Bureau will be kept advised.

3 - Bureau (92-9828)
(1 - 166-3219)
2 - Boston (92-1132)
(1 - 166-629)
(5)
DMC/ras

REC 19
EX 106
92-9828-23

NOV 25 1970

166-3219

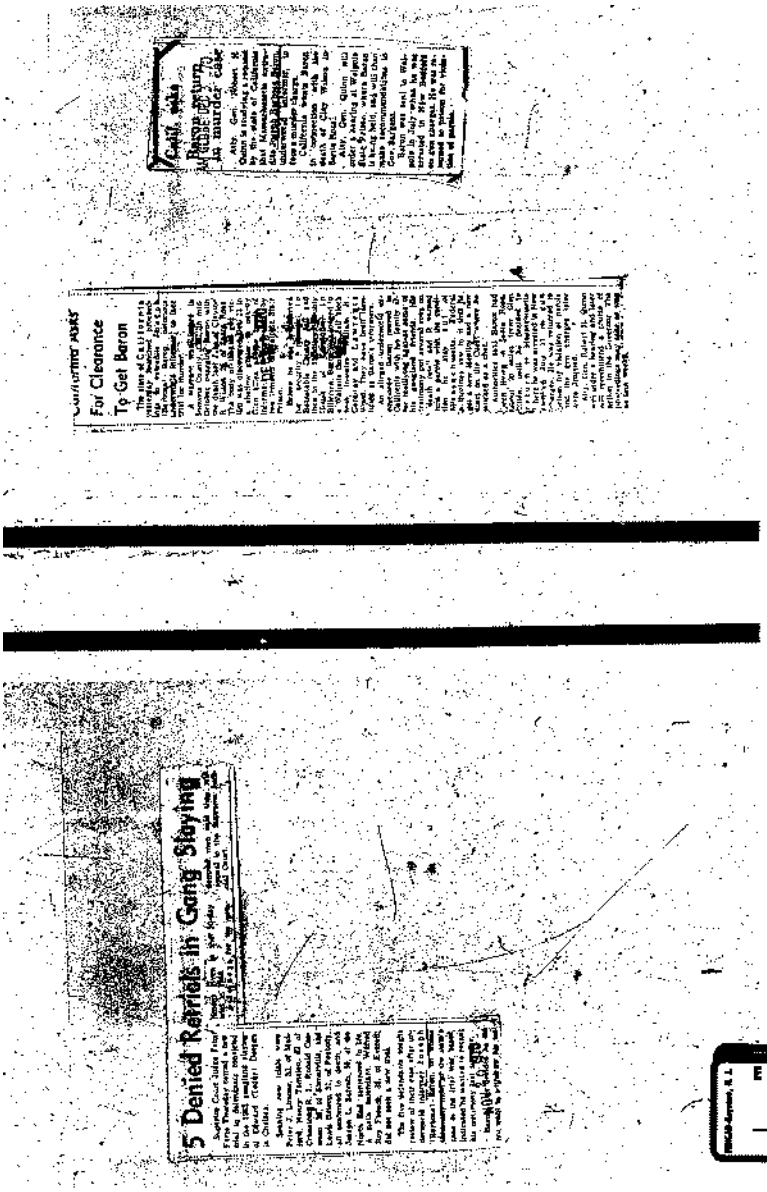
36 DEC 1 1970

Approved: Special Agent in Charge

EXHIBIT
367

# 5 Denied Retrials in Gang Slaying

Superior Court Judge Peter Farre Thursday turned a new trial to defendants convicted in the 1963 gangland slaying of Edward (Teddy) Durgan in Chelsea.



Seeking new trials were Peter J. Limone, 51, of Medford, Henry Tameleo, 42, of Crawford R. I., Ronald Cassman, 38, of Somerville, and Lewis Gilson, 31, of Peabody, all sentenced to death, and Joseph L. Barrett, 36, of the North End, sentenced to life. A sixth defendant, Wilfred Roy French, 38, of Everett, did not seek a new trial.

The five defendants sought review of their case after underworld informer Joseph (Barbara) Baron, [illegible] the state's case in the trial was based, indicated he wanted to recant his testimony [illegible].

Baron [illegible] he did not want to withdraw his testimony [illegible] in the 10-day [illegible] for the [illegible] denied men said they will appeal to the Supreme Judicial Court.

# California Asks For Clearance To Get Baron

The state of California yesterday launched proceedings to extradite Joseph (Barbara) Baron, notorious underworld informer, to face trial for murder.

A warrant was issued in Sonoma County, [illegible] in mid-October charging Baron with the death last [illegible] of Clayton R. Wilson, 36, of Santa Rosa. The body of the [illegible] was discovered Oct. 23 in a shallow grave in [illegible] Glen [illegible] of informer [illegible] by [illegible] Prison.

Before he [illegible] his security [illegible] to Bedsetable County [illegible] and then to the [illegible] Hotel of [illegible] in Billerica, Baron [illegible] to a Walpole [illegible] cell block [illegible] Gordon and Lawrence Wood. They have been identified as Baron's [illegible].

An alleged underworld [illegible] Baron moved to California with his family after mentioning against some of his gangland friends. His testimony put several men on death [illegible] and it earned him a parole with the condition he stay out of Massachusetts. Federal [illegible] saw to it that he got a new identity and a new start on the Coast where he [illegible] as a chef.

Authorities said Baron had been living in Santa Rosa, about 20 miles from Glen Ellen, until he decided to return to Massachusetts [illegible] he was arrested in New [illegible] July 31 on gun charges. He was returned to Salem for violation of parole and the gun charges later were dropped.

Atty. Gen. Robert H. Quinn will order a hearing and later will recommend a course of action to the Governor. The proceedings may take as long as [illegible] weeks.

# Calif. asks Baron return in murder case

Atty. Gen. Robert H. Quinn is studying a request by the state of California that Massachusetts extradite Joseph Barbara Baron, underworld informer, to face a murder charge.

California wants Baron in connection with the death of Clay Wilson in Santa Rosa.

Atty. Gen. Quinn will order a hearing at Walpole State Prison, where Baron is being held, and will then make recommendations to Gov. Sargent.

Baron was sent to Walpole in July when he was arrested in New Bedford on gun charges. He was returned to prison for violation of parole.

EXHIBIT

368

THE COURT: We've gotten past that point.

MR. HYLAND: Yes, but the objection, your Honor, concerning whether he knows-- this would require a knowledge of federal structure.

THE COURT: No, the objection to this question is sustained. Presumably a witness who is more versed than Mr. Hughes in what the task force is will be here.

MR. MILLER: Q. Who did you personally talk with concerning your trip to Texas?

A. Who did I personally talk with? Dennis Condon, Jack Zalkind--

Q. Will you stop right there for a moment. Dennis Condon?

A. Yes.

Q. When was that, sir?

A. Around December of 1970.

Q. Where did that conversation take place?

A. At 4 Lewis Farm Road, Dedham, D-e-d-h-a-m, Massachusetts.

Q. And who else was present?

A. Mr. Jack Zalkind.

Q. And what does he do, sir?

A. Assistant District Attorney for Suffolk County.

Q. Who else was present?

A. John Doyle.

Q. And what does he do, sir?

A. He's the commanding officer of the District Attorney's office.

Q. Anyone else present?

A. My wife.

Q. Anyone else?

A. No.



Q. This 4 Lewis Farm Road, you were residing there at the time?
A. This is a place where I was under protective custody, myself, my wife and my daughter.
Q. What did you call that, again, what kind of custody?
A. Protective custody.
Q. So we have Dennis Condon. He, you said, is an FBI man?
A. That's correct.
Q. And Jack Zolkind?
A. That's correct.
Q. John Doyle?
A. Correct.
Q. And your wife?
A. Yes, sir.
Q. Approximately, sir, how long would you estimate that conversation lasted that you had with these individuals?
A. A few minutes.
Q. A few minutes
A. Uh huh.
Q. And it was at this time that it was decided by Mr. Condon, was it, that you would be sent to Texas?
A. No.
Excuse me, your Honor, it's all mixed up. Could I possibly tell why I was at 4 Lewis Farm Road?
THE COURT: Well--
THE WITNESS: I mean, it has a reason for my being here, your Honor.
THE COURT: Yes, the problem is this, Mr. Hughes: statements like that might or might not be admissible, and the Court has to

rely on the attorneys to make that sort of determination. So if you are not asked that question by one of the attorneys, specifically by Mr. Miller, on redirect examination by the District Attorney, if in his judgment it's admissible, it can be gone into.

Now, that's about all I can say to you.

THE WITNESS: All right, sir.

THE COURT: Under the rules, you answer whatever questions are asked of you, without volunteering information.

THE WITNESS: All right, sir.

MR. MILLER: Q. Back to our few minutes of conversation involving Mr. Condon, Mr. Zolkind, Mr. Doyle, yourself, and your wife. Was it suggested by Mr. Condon or any of the others I mentioned that you be taken to or placed in Texas?

A. Yes.

Q. At this time?

A. Yes.

Q. And by which of these individuals, sir?

A. By all of them.

Q. In unison, they all suggested it, or did one of them--

A. Well, the telephone rang, and the police officer that was there, you know, with us-- there were policemen living with us around the clock-- and the police officer that was there put Mr. John Doyle on the telephone. And Mr. John Doyle said that he was coming out with Mr. Condon and Mr. Zolkind, that I was being moved.

Q. He said that on the phone?

A. Correct.

Q. That was Mr. Doyle, then?
A. That was John Doyle.
Q. Is he a friend of yours?
A. Is he a friend of mine? No, he is not.
Q. Did you see Mr. Doyle?
A. Yes, I did.
Q. On more than one occasion?
A. I sure did.
Q. Quite often?
A. Quite often.
Q. Then after the phone call these individuals arrived?
A. Yes.
Q. And they discussed your being moved to Texas?
A. Correct.
Q. And approximately how long after this meeting did you in fact make your move to Texas?
A. About a week later.
Q. So this would have been after Christmas or so?
A. This was after the first of the year, it was in 1971.
Q. The meeting would have been late December, if you left in a week?
A. Yes, after Christmas, probably, yes.
Q. Was there any discussion about your being found a job back in Texas?
A. Yes, there was.
Q. What?
A. Yes, there was. Also being given a new identity.
Q. And didn't they get you a job, didn't they live up to their

UNITED STATES GOVERNMENT

# *Memorandum*

TO : DIRECTOR, FBI (166-3219) DATE: 12/1/70

FROM : SAC, BOSTON (166-629) (P)

SUBJECT: RAYMOND L. S. PATRIARCA, aka;
ET AL
ITAR - GAMBLING

JOSEPH O BARON

Investigation disclosed that JOSEPH BADWAY, close associate of the subject, was involved in meetings where discussions were had relative to JOSEPH BARBOZA BARON changing his testimony to effect the release of subject and other LCN members from jail for payment of a large sum of money. BADWAY has been involved in gambling activity [redacted]

[redacted]

(3) Bureau (166-3219)
(1 - 92-9828)
1 - Newark (info)
2 - New York
2 - Philadelphia
12 - Boston (166-629)
(1 - 92-1132)
DMC:gm
(20)

"J" Title 18 U. S. C.
Section 2510, et seq

92-9828-
NOT RECORDED
136 DEC 7 1970

5 DEC 16 1970

*Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan*

EXHIBIT
370

BS 166-629

"J" Title 18 U. S. C.
Section 2510, et seq

D

[redacted]

BS 166-629

[redacted]

D

LEADS

NEWARK (INFORMATION)

NEW YORK, at New York City

PHILADELPHIA, at [redacted] D

Will identify subscribers to phones set forth above and check indices.

BOSTON OFFICE

At [redacted] D

Identify subscribers to telephones set forth above.

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.

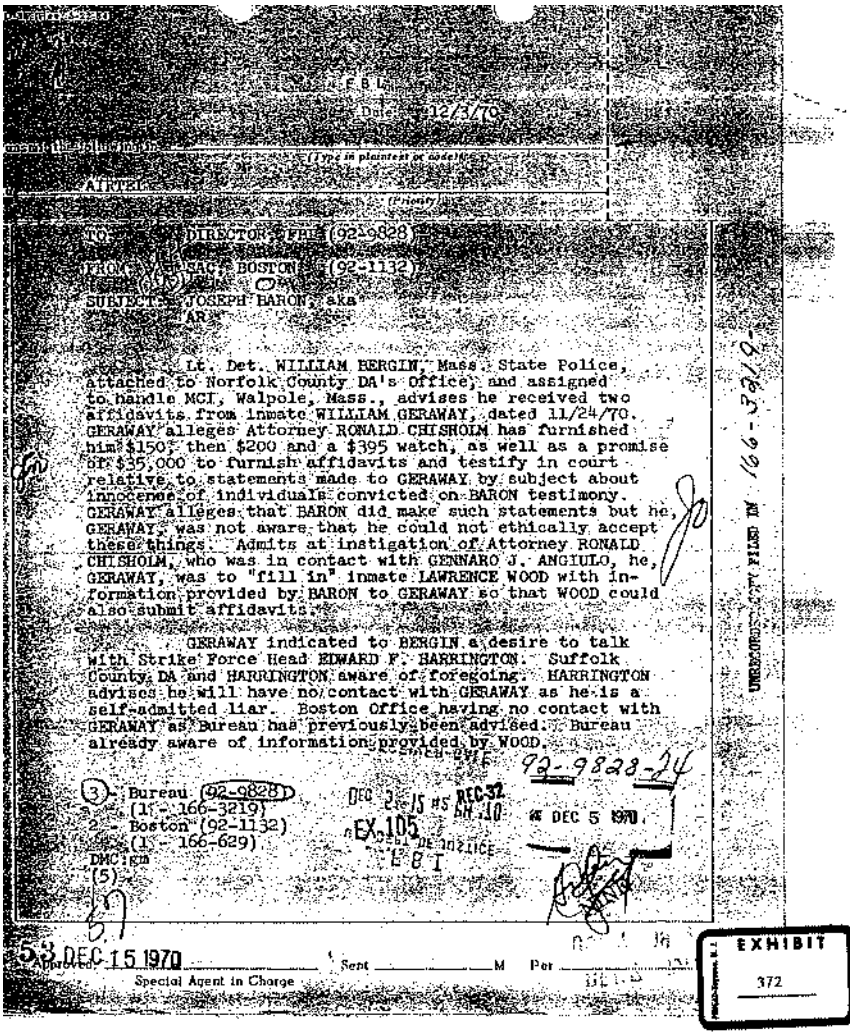
FLEMMI was convicted December 1, 1970, in Suffolk Superior Court, Boston, Massachusetts, for attempted murder. He was subsequently sentenced to fourteen to eighteen years at the Walpole State Prison.




- 1* -

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.

U. S. GOVERNMENT PRINTING OFFICE: 1969 O - 351-078



FBI

Date: 12/3/70

(Type in plaintext or code)

AIRTEL

(Priority)

TO: DIRECTOR, FBI (92-9828)

FROM: SAC, BOSTON (92-1132)

SUBJECT: JOSEPH BARON, aka
AR

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 subject 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 GENNARO J. ANGIULO, he, GERAWAY, was to "fill in" inmate LAWRENCE WOOD with information provided by BARON to GERAWAY so that WOOD could also submit affidavits.

GERAWAY indicated to BERGIN a desire to talk with Strike Force Head EDWARD F. HARRINGTON. Suffolk County DA and HARRINGTON aware of foregoing. HARRINGTON advises he will have no contact with GERAWAY as he is a self-admitted liar. Boston Office having no contact with GERAWAY as Bureau has previously been advised. Bureau already aware of information provided by WOOD.

92-9828-24

3 - Bureau (92-9828)
(1 - 166-3219)
2 - Boston (92-1132)
(1 - 166-629)
DMC:gm
(5)

DEC 2 15 45 PM 10 REC-32

EX-105

DEC 5 1970

UNRECORDED COPY FILED IN 166-3219

53 DEC 15 1970

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

EXHIBIT
372

SAC, Boston (92-1132) 12-23-70

Director, FBI (92-9828)

JOSEPH BARON, aka
AR

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.

2 - San Francisco (92-2061)

MAILED 24
DEC 23 1970
COMM-FBI

EX-112

REC-10 92-9828-25

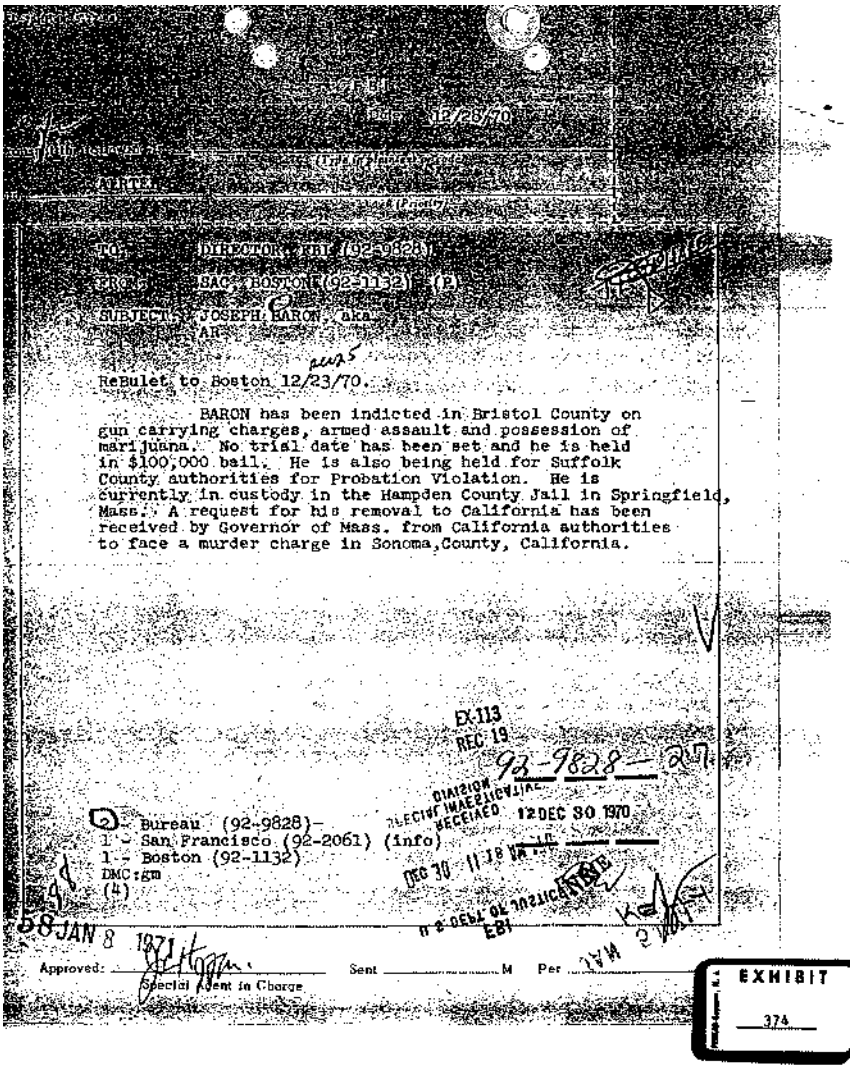
19 DEC 28 1970

CLG:mjf
(6)

60 DEC 31 1970

MAIL ROOM TELETYPE UNIT

EXHIBIT
373



FILE

Date: 12/28/70

(Type in plaintext or code)

AIRTEL

(Priority)

TO: DIRECTOR, FBI (92-9828)

FROM: SAC, BOSTON (92-1132) (P)

SUBJECT: JOSEPH BARON, aka
AR

ReBulet to Boston 12/23/70.

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.

EX-113
REC 19
92-9828-27

DIVISION
SPECIAL INVESTIGATIVE
RECEIVED
12 DEC 30 1970

2 - Bureau (92-9828)
1 - San Francisco (92-2061) (info)
1 - Boston (92-1132)
DMC:gm
(4)

DEC 30 11 18 AM '70
U.S. DEPT. OF JUSTICE
FBI

58 JAN 8 1971

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

EXHIBIT
374

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 officer 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.

54

EXHIBIT
375

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

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,

Walter J. Harkey

Notary Public

Form DJ-136
(Rev. 4-26-65)

UNITED STATES GOVERNMENT

# *Memorandum*

DEPARTMENT OF JUSTICE

TO : Edward F. Harrington
Attorney-in-Charge
Boston Strike Force

DATE: January 12, 1971
PRM:bjw

FROM : Philip R. Michael
Assistant Attorney-in-Charge
San Francisco, CA

SUBJECT: Joseph (Baron) Barboza

On January 11, 1971, I had a lengthy telephone conversation with Mr. Kiernan R. Hyland, District Attorney for Sonoma County which covers Santa Rosa, California. His telephone number is [redacted]. I informed him we had no desire to interfere with his pending murder prosecution against Barboza, but that we wished to satisfy ourselves, (1) that Barboza was not being framed, and (2) that Barboza was represented by competent counsel.

Hyland was well familiar with Barboza, his background, and his federal testimony against Patriarca. Hyland said his office was alert to the frame-up possibility but thought an explanation such as that did not accord with the facts of the case. In his opinion, Barboza is an individual unable to stay away from criminal involvement. 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.

Hyland informed me that the first information in the case came from the Massachusetts prisoners. While they were interviewed by Hyland's chief investigator and the Santa Rosa Police Chief, the prisoners information was vague, sketchy and inaccurate, though it did serve to stimulate the investigation. The prisoners apparently did not know the location of the body or other crucial elements surrounding the crime. Hyland feels they were quite lucky to solve the case. He was surprised they were able to convince Wilson's wife and another 18 year old girl (another known narcotic user) to reveal the crime and Wilson's grave, which was located in remote countryside. Hyland stated no immunity was given either of the women but that he would have no

BSF-00142

EXHIBIT
376

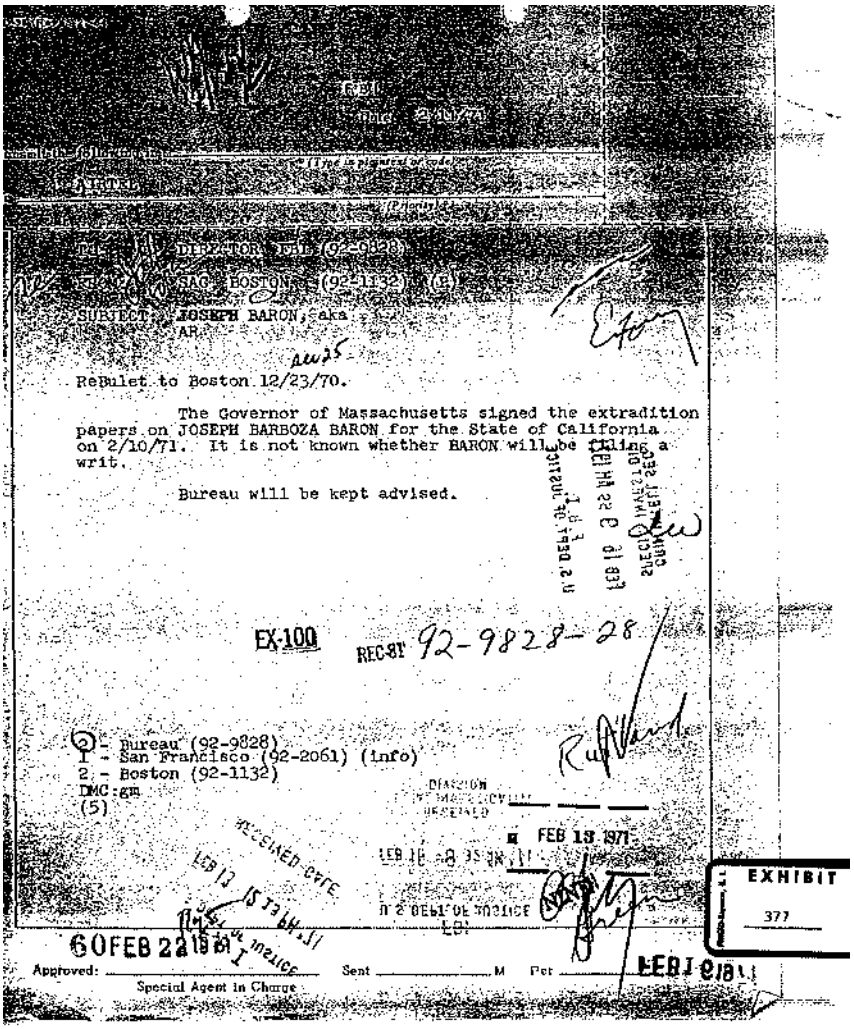
charges on them anyway. Apparently the four -- Barboza, Wilson and the two women were on a walk in the woods when the men walked ahead, a shot rang out, and Wilson was dead. Hyland hypotheafzes the women were too frightened to report the crime.

Hyland does not believe the women were persuaded to frame Barboza. Hyland stated all these people were local and had been known to law enforcement for many years, and that Barbosa became involved with them. Hyland sees no organized crime ramifications to this crime.

Hyland has forwarded the extradition papers which have been signed by the California Governor. No reliable information exists as to when Barboza will be returned to California. Hyland reported that Barboza has apparently retained Mr. Marteen Miller, Public Defender of Santa Rosa, as his California counsel. Hyland describes Miller as a very able criminal trial lawyer.

Hyland discussed this matter frankly with me, and invited me, or someone from the Department of Justice to review his files and discuss the case in depth with him. I advised him he may be contacted by an attorney from our Boston Strike Force, which caused Hyland no concern.

Let me know if you wish me to make any new contact with Hyland or assist you further in this matter.



FBI

Date: 2/11/71

(Type in plaintext or code)

AIRTEL

(Priority)

TO: DIRECTOR, FBI (92-9828)

FROM: SAC, BOSTON (92-1132) (E)

SUBJECT: JOSEPH BARON, aka
AR

ReBulet to Boston 12/23/70.

The Governor of Massachusetts signed the extradition papers on JOSEPH BARBOZA BARON for the State of California on 2/10/71. It is not known whether BARON will be filing a writ.

Bureau will be kept advised.

EX-100 REC-87 92-9828-28

2 - Bureau (92-9828)
1 - San Francisco (92-2061) (info)
2 - Boston (92-1132)
DMC:gm
(5)

FEB 13 1971

EXHIBIT 377

60 FEB 22 1971

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

*SR MURDER CASE*

2/27/71

# Massachusetts Judge Denies Baron Block to Extradition

NEW BEDFORD, Mass. (UPI)—A Superior Court judge today denied a motion by underworld informer Joseph (Barboza) Baron to fight extradition to answer a murder charge in California.

Judge Frank Smith denied the motion. Earlier, attorney general Robert H. Quinn had recommended to Gov. Francis W. Sargent that Baron be extradited.

Baron turned informer against his reputed one-time crimeland bosses after two friends were executed while trying to raise bail for him several years ago. His testimony was instrumental in getting convictions against Raymond L. S. Patriarca, alleged Cosa Nostra chieftain for New England, and several associates.

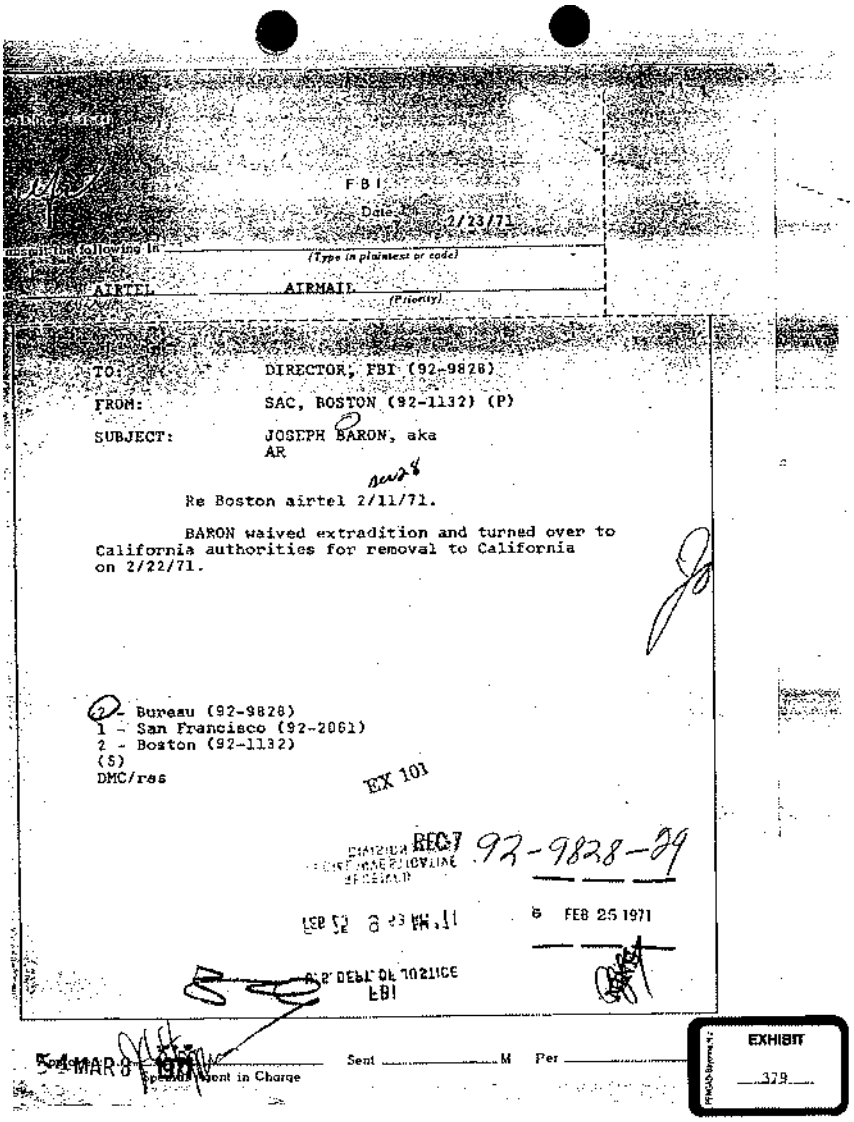
He had been given immunity and was ordered to stay out of the state until last fall. But last July he was picked up on narcotics and firearms charges during racial outbreaks in New Bedford, his hometown.

The murder charge from California was in the death last summer of Clay Wilson of Santa Rosa. Two inmates at Norfolk County Jail told authorities of a conversation they allegedly overheard involving Wilson's death.

Officials investigated and found Wilson's body in Glen Ellen, Calif., and sought the charges against Baron.

*Until 9 Tonight*

EXHIBIT
378



FBI

Date: 2/23/71

Transmit the following in (Type in plaintext or code)

AIRTEL AIRMAIL (Priority)

TO: DIRECTOR, FBI (92-9828)

FROM: SAC, BOSTON (92-1132) (P)

SUBJECT: JOSEPH BARON, aka
AR

Re Boston airtel 2/11/71.

BARON waived extradition and turned over to California authorities for removal to California on 2/22/71.

2 - Bureau (92-9828)
1 - San Francisco (92-2061)
2 - Boston (92-1132)
(5)
DMC/ras

EX 101

REC-7 92-9828-89

FEB 25 1971

FBI

Sent ____ M Per ____

Special Agent in Charge

EXHIBIT 379

# Two Deputies Returning With Accused Murderer

2/23

By BOBY SALUDES

Gangland informer Joseph Barboza Baron — charged with the execution-type slaying of a Santa Rosa man last July — is due to arrive in Santa Rosa sometime tomorrow in custody of two Sonoma County sheriff's deputies, The Press Democrat learned today.

Massachusetts authorities yesterday turned him over to Sheriff's Inspector Timothy Brown and Transportation Officer Frank Bean, who flew to New Bedford, Mass., over the weekend.

Officials there surrendered him to California authorities after Superior Court Judge Frank Smith, New Bedford, denied Mr. Baron's motion to block his extradition to this state yesterday.

Assistant District Attorney John W. Hawkes said extreme security measures are being taken in Mr. Baron's return to Sonoma County.

Mr. Hawkes said the suspect will be flown back, but he would not divulge what arrangements have been made. He said commercial aircraft definitely will not be utilized.

Officials here, Mr. Hawkes said, were informed beforehand that the judge would deny Mr. Baron's motion and that he'd be ready for surrender yesterday. The two deputies then were sent to get him over the weekend.

Mr. Baron is charged with the murder of Clayton Ricky Wilson, 26, whose body was found in a crude, shallow grave on a hornet-infested hillside near Glen Ellen on Oct. 13.

The charge was filed Oct. 15 in Southern Municipal Court because the slaying allegedly occurred in Glen Ellen, near the grave site. Glen Ellen is in the Southern Municipal District.



JOSEPH BARON

An autopsy disclosed Mr. Wilson was shot twice in the head. Two slugs, believed from a .38 revolver, were uncovered in a field several yards away from the grave.

Mr. Baron allegedly was living in Santa Rosa, under the assumed name of Joseph Bentley, at the time of the slaying — believed to be in the early part of last July.

District Attorney Kiernan Ryland previously indicated it may have been the result of a triangle-type circumstances involving Mr. Wilson's wife, Dorothy Wilson, also known as Dee Mancini.

There are indications, Mr. Hyland said, that the theft of several thousand dollars worth of bonds, stolen from a Petaluma home, may figure in the case.

Mr. Baron, a reputed gangland executioner, was named as the murder suspect following a three-week investigation last fall by Massachusetts and Santa Rosa authorities.

Information turned over by Mr. Baron's cellmate in Norfolk County Jail, touched off the investigation that led to discovery of Mr. Wilson's body.

Last October, Mr. Hyland stated Mr. Wilson's wife admitted she was present during the slaying, but that she would be granted immunity and would not be prosecuted.

Authorities have also questioned another young woman who allegedly was present when Mr. Wilson was buried. She led officers to the grave on Oct. 13 and a few days later showed them the spot where Mr. Wilson was shot.

Mr. Baron reportedly had two attempts on his life in the East Coast sometime in the past.

He turned informer against his reputed one-time crimeland bosses after two friends were executed while trying to raise bail for him several years ago.

His testimony was instrumental in getting convictions against Raymond L. S. Patriarca, alleged Cosa Nostra chieftain for New England, and several associates.

Mr. Baron had been given immunity and was ordered to stay out of the state until last fall. But on July 17, he was arrested on narcotics and firearms charges during racial outbreaks in New Beford, his hometown.

Once back in Sonoma County, Mr. Baron's pre-trial proceedings up to and including a preliminary hearing will be held in the Sonoma Municipal Court, unless for security reasons, officials decided to hold them in Santa Rosa.

EXHIBIT
380



Was Baron's Parole Legal?

Thomas C. Gallagher

EXHIBIT
381

# Baron Pleads Not Guilty

3/1/71

Gangland informer Joseph Baron today pleaded not guilty to the July murder of Santa Rosan Clayton Ricky Wilson.

Mr. Baron, returned here on Friday from Massachusetts, was arraigned in a five-minute proceeding before Southern Municipal Court Judge Alexander McMahon.

Judge McMahan named Public Defender Marleen Miller to defend the burly ex-prizefighter, and then set the preliminary hearing for 9:30 a.m. March 11 in the Sonoma courtroom.

For security reasons, today's arraignment was held at the county jail arraignment room. The only audience, beside court officials and deputies, were press representatives.

Mr. Baron was calm and expressionless as the Judge read the first degree murder charges against him.

He was dressed in white jail overalls. A shock of black hair covered his forehead.

He listened attentively, cocking his left ear toward the judge.

Are you aware you have a right to an attorney?

"Yes sir."

Do you have funds to hire yourself an attorney?

"No, your honor."

Are you asking for the appointment of an attorney.

"Yes sir."

EXHIBIT

382

(6)

AFFIDAVIT

I, James Southwood, being duly sworn, depose and state as follows:

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, Mr. Barboza, in early 1969, gave me his 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, Mr. Barboza said:

"Louie 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.

EXHIBIT 383

001052

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.

Subscribed and sworn to, under the pains and penalties of perjury, this 11 July, 1995.

James Southwood
7/11/95

before me,
John Emmanuel Cauchi
notary public
my commission expires: 8/24/95

The Commonwealth of Massachusetts
Massachusetts Defenders Committee
222 Union Street, New Bedford 02740
TEL: 997-3301

WILLIAM C. FLANAGAN, CHAIRMAN
FREDERICK N. MORTON, JR., SECRETARY
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FRANK L. KIZER
LAURENCE H. LOUGEE
DAVID S. NELSON

EDGAR A. RINGOLD
CHIEF COUNSEL
FRANK J. NOWLAN
EXECUTIVE SECRETARY

March 4, 1971

Marteen J. Miller, Esquire
Public Defender of Sonoma County
2555 Mendocino Avenue
Santa Rosa, California 95401

Re: Joseph Barboza Baron

Dear Mr. Miller:

I have been advised by Mr. Joseph Barboza Baron's brother that you have been appointed to represent him in his California matters. I have been representing him in his Massachusetts matters, which were disposed of and his rendition hearings. I offer my help to you.

The defendant left with me some papers which he believes are important to his defense and I will forward them to you by separate mail. Of great concern to us in Massachusetts is the alleged date, time and place of the alleged murder. The California papers state on or about July 7, but the affidavits attached to the Governor's application fail to be any more specific. We do know that he was arrested in New Bedford on July 16, 1970. We do know that he rented a cottage in Lakeville, Mass. prior to his arrest and we came within an eyelash of establishing that he was in Massachusetts at about the time of the alleged murder. The problem is complicated by the fact that he was consorting with other known criminals in New Bedford and they would not come forward to testify at his rendition hearings.

I might add that Garraway and Woods' reputation is zero in Massachusetts, and that it is my opinion that Garraway and Woods are playing a game with the California authorities for the sole purpose of going to California on a vacation. Garraway did the same stunt about 5 years ago with Florida authorities, alleging



The Commonwealth of Massachusetts
Massachusetts Defenders Committee
222 Union Street, New Bedford 02740
TEL: 997-3301

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EDGAR A. RINDOS
CHIEF COUNSEL
FRANK J. NOWLAN
EXECUTIVE SECRETARY



he had evidence in the Candy Mosler murder trial so he has been around. I was in great hope that California would check out Garraway and Woods a little more carefully.

Please let me know if there is anything I can do.

Very truly yours,

Edward J. Harrington Jr.
Chief Public Defender
BRISTOL-DUKES-NANTUCKET COUNTIES

EJHJ:gis

file Mar. 7, 1971
Baron Sunday

Hi Ted,

I got arraigned Mar. 1st was appointed a public defender by the name of Marteen Miller, he said I'll see you in a day or two that was Mar 1st today is Mar 7th + I go to court Mar 11th which is for a probable cause hearing, what they call here in California a preliminary hearing. With all the work needed to be done I have yet to see this lawyer. I understand he is a good lawyer + I don't want to lose him, but neither too do I want to go to court to prepared, or even 3/4 prepared, I want to be fully prepared! The newspapers + T.V. got everybody down here believing I am guilty, I got a fight on my hands because of them, + you said you'd make sure I got a fair trial + all entitled me, + you would be watching! Ted you said you would be down here in two weeks. I hope you stick by your



EXHIBIT
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BSF-00817

word, its an emergency tho' I see you because something has happened that awlolelot of the truth can now come out. It would show awlolelot! Remember when Ricco + Denny went to see a guy + he went along with them. Well its the same thing now a person that heard the threats made against Clay + I, a person that seen + knows awlolelot! You have got to see me! you promised me you'd be down two weeks after I left. You'll get this letter + it will already be two weeks. For the sake of my wife + babies please come down like you promised me, this can throw my case wide open + prove my story is not a lie but the truth. If you linger + don't come? We lose this powerful witness! The F.B.I. can step in on this because what this witness knows is an F.B.I. matter! This is my break, my wife + babies break. You can help or let it slip away? I'll be waiting Ted

This is the biggest break! Joe Baron

EFH:mps

James J. Featherstone, Deputy Chief,
Organized Crime and Racketeering Section
United States Department of Justice

March 23, 1971

Edward F. Harrington, Attorney in Charge,
Boston Field Office, Organized Crime and
Racketeering Section

Additional Information relative to Travel Authorization Request Dated 3/22/71 from Boston, Massachusetts to Santa Rosa, California and return.

The purpose of this trip is to confer with former government witness, Joseph Baron, presently imprisoned pending a charge of first degree murder, which murder allegedly occurred after he was relocated by the United States Government. Baron was the chief federal government witness in the conviction of Raymond L. S. Patriarca, New England Cosa Nostra boss and the chief state witness in the gangland murder case of Edward Deegan which resulted in the conviction for first degree murder of 6 major underworld figures including Henry Tameleo, former underboss to Patriarca, and Peter Limone, underboss to Gennaro Angiulo, Cosa Nostra boss in the Boston, Massachusetts, area. The Patriarca conviction is considered by knowledgeable officials to have been the most important organized crime case in the history of the New England law enforcement.

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 Baron while he was in protective custody and because the government fulfilled their obligations to him. Both Kelley and Teresa have advised the writer that the defection of Baron from the ranks of the underworld constituted the greatest blow ever suffered by the New England syndicate.

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 subsequent




BSF-00819

advised the same state authorities that they have been receiving moules from Attorney Ronald Chisholm, syndicate lawyer in the Boston area. In fact, one of these cell mates has recently written Baron's court appointed lawyer that he has information that will save Baron's life.

Baron has requested to speak with me prior to trial to aid him in preparation of his defense. 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 thosemost significant prosecutions.

# Special U.S. Agent Visits The Baron

By SONY SALUDES

Intrigue behind Joseph Barboza Baron, a reputed gangland-styled turned informer, deepened when a Justice Department official made a special plane trip from Boston to visit with him in his cell yesterday.

The official, Edward Francis Harrington, attorney in charge of the U.S. Crime Strike Force, Justice Department, also met separately with Mr. Baron's attorney, Public Defender Marleen Miller, and District Attorney Kiernan Hyland and Sheriff Don Striepeke.

Meanwhile, Mr. Miller announced in court today he doesn't want the 35-year-old New Bedford, Mass., man to be tried in Sonoma County because of prejudicial publicity.

Superior Court Judge Joseph P. Murphy Jr. granted Mr. Miller a three-week continuance so he can file a formal motion for change of venue.

Mr. Baron is charged with the execution-style murder of Clayton Rickey Wilson, 26, Santa Rosa, near Glen Ellen last July.

Mr. Wilson's body was discovered in a shallow, hillside grave near Glen Ellen Oct. 12.

In announcing his intentions to move for a change of venue, Mr. Miller said he was particularly attaching news accounts which have described Mr. Bar-

(Continued on Page 4, Col. 5)

# Special U.S. Crime Agent Visits The Baron in Jail

(Continued from Page 1)

on as a "professional killer or hired killer, and so on."

"I've talked to U.S. attorneys," Mr. Miller said, "and nothing has come to my attention to support this particular fact."

Judge Murphy cut Mr. Miller short, instructed him to make his motion and argue later.

"I don't want to extend the publicity," the judge said. He then continued the case until 9 a.m., April 16.

Mr. Harrington's quick visit to Mr. Baron yesterday afternoon raised certain speculation, since it is commonly known that Mr. Baron's incarceration is not in the best interest of the Justice Department.

As he was getting ready to leave the Hall of Justice to catch a plane back to Boston from San Francisco, Mr. Harrington brushed off queries by a Press Democrat reporter.

He stated simply, "I just made a courtesy call. I just happened to be in town."

Mr. Harrington reportedly has good rapport with the Baron and has communicated with him on underworld matters for about four years.

Mr. Miller said his discussion with Mr. Herrington involved Mr. Baron and implications of his current imprisonment.

"We talked about Mr. Baron," Mr. Hyland also admitted. "We didn't discuss the present case."

Mr. Hyland was emphatic in stating Mr. Harrington made no requests of him and stated, "We plan no changes. The case will proceed as usual."

Mr. Hyland said he is not concerned with any problems which were created for the Justice Department by virtue of the charges here against Mr. Baron.

"We have a murder in our hands," he said, "and it will be prosecuted."

Mr. Baron turned informer against his underworld friends and his testimony was instrumental in the convictions of several high-ranking Mafia figures in the East Coast.

It was not clear whether Mr. Harrington came to Santa Rosa on his own initiative, or whether he was asked to come by Mr. Baron.

Mr. Baron, meanwhile, appeared in light spirits in his court appearance today.

The chunky man wore a dark blue, pin-striped T-shirt, bell bottom jeans, white socks and loafers.

He sat slouched in his chair and in a deep, gutteral voice spoke more words than he's spoken before in a courtroom here.

When asked by the judge if he was willing to waive his right to be tried within 60 days, he replied, "I'll do it whatever way the attorney wants to do. Whatever my attorney wants."

Judge Murphy noted the complaint was under the name of Joseph Bentley, the name Mr. Baron was known by while living in Santa Rosa last year.

"Is that your true name?" the judge asked.

"Yes," he replied.

"Are you also known as Joseph Barboza and Joseph Baron?"

"Those are legal names," Mr. Baron said. "I was born Barboza. It was changed legally to Baron and it was changed legally to Bentley."

"Are you also known as Joseph Barboza Baron?"

Mr. Baron shook his head and mumbled, "I don't know about that."




67023 F

REC-114

92-9828-30

March 25, 1971

Mr. Don Striepeke
Sheriff of Sonoma County
2555 Mendocino Avenue
Santa Rosa, California 95401

My dear Sheriff:

It was indeed thoughtful of you to write on March 19th and comment as you did concerning the assistance rendered by Special Agents Condon, Scanlan and Rose in connection with the extradition of Joseph Barboza. Communications such as yours are most encouraging and you may be sure Messrs. Condon, Scanlan and Rose appreciate, as I do, your kind remarks.

MAILED 21
MAR 25 1971
FBI

Sincerely yours,

J. Edgar Hoover

1 - Boston - Enclosure
Personal Attention SAC: Bring to the attention of SAs Dennis M. Condon, James F. Scanlan, Jr., and Albert S. Rose, Jr.

1 - San Francisco - Enclosure

1 - Personnel File of SA Dennis M. Condon - Enclosure
1 - Personnel File of SA James F. Scanlan, Jr. - Enclosure
1 - Personnel File of SA Albert S. Rose, Jr. - Enclosure

NOTE: Buffles reflect no identifiable references to Sheriff Striepeke, SAs Condon and Scanlan are assigned to the Boston Office. SA Rose is the Assistant Senior Resident Agent, New Bedford Resident Agency out of the Boston Office.

JCW:klm (8)

MAIL ROOM TELETYPE UNIT

RECORDED COPY FILED IN

EXHIBIT
388

# In the Superior Court of the State of California
## In and for the County of Sonoma

FILED
MAR 26 1971
EUGENE D. WILLIAMS, Co. Clerk
By [signature] Deputy Clerk

#6407-C

The People of the State of California, Plaintiff,
vs.
JOSEPH BENTLEY, aka JOSEPH BARBOSA, aka JOSEPH BARON BARBOSA, aka JOSEPH BARBOSA BARON, Defendant.

## Information

For violation of Section 187 of the Penal Code

JOSEPH BENTLEY aka JOSEPH BARBOSA, aka JOSEPH BARON BARBOSA, aka JOSEPH BARBOSA BARON is accused by the District Attorney of and for the County of Sonoma, State of California, by this information, of the crime of violation of Section 187 of the Penal Code of the State of California (murder)

committed as follows: That the said JOSEPH BENTLEY aka JOSEPH BARBOSA, aka JOSEPH BARON BARBOSA, aka JOSEPH BARBOSA BARON, on or about the 7th day of July, 1970, at and in the County of Sonoma, State of California, did willfully, unlawfully and feloniously murder a human being, namely: CLAYTON WILSON aka CLAY WILSON.

EXHIBIT 389

Contrary to the form, force and effect of the Statute in such case made and provided, and against the peace and dignity of the People of the State of California.

KIERNAN R. HYLAND District Attorney
of the County of Sonoma, State of California

By Ronald W. Fahey
Chief Deputy District Attorney.
RONALD W. FAHEY

RWF:ina

No. Dept.

Superior Court
COUNTY OF SONOMA

The People of the State of California
AGAINST

INFORMATION FOR

Filed in open Superior Court of the County of Sonoma, State of California, on motion of the District Attorney of said Sonoma County, this day of , 19

EUGENE D. WILLIAMS, Clerk

By Deputy.

District Attorney

Mar. 27, 1971
Saturday

Full Barn

Hi Ted,

I was sure happy to see you + will never forget it! Hey, what did you say or do to me? You came down to see me + the next day they stuck me upstairs in an isolation cell! There is a guy here that went out with one of the girls for 1 year who is testifying against me the Ramos girl. So they put him here on the 3rd floor to keep him separated from me; per order of the D.A. He stayed up here a week + reported to his Atty + the Judge. So he was let out + they took me upstairs here into an isolation cell per. order of the Sheriff. I didn't do nothing wrong + they strip me from watching T.V. playing cards, exercising in the yard. They put me in a cell with nothing more to come out. It would be different if I broke one rule, but I minded my business. I am going to see if my Atty helps me. If he don't? I am going to send a Writ in + sue the D.A. + Sheriff for cruel + unusual punishment. The address book I asked Penny to send down for my Atty the law have pounced on it like a bunch of vultures! I rec'd a letter from my Atty from New Bedford Edward + he said he rec'd a letter from Wood




BSF-00832

+ that Wood wanted to testify for me + could
save my [illegible]! That wasn't [illegible] by the
law to bind either down here. You were
impressed by this place, but don't let
it fool you for one bit! I went to court
yesterday + my Atty asked for a 3 wks
continance because he wants to file
a motion for a change of venue
You know Ted, I have a hold lot on
my mind, this case, family worries, To
put me up here for nothing, is done
purely out of spite + savage amusment
at least when I was downstairs I had
TV. + other thing to keep my mind off of
thing. But to stick you in a cell with
nothing + leave you with nothing to
do but constantly think of your case
+ pressure, purely out of spite. Well
if that isn't cruel + unusual punishment
+ a violation of my civil rights, then
what is it! Give me the cops that are
on the take back East, they still have
more class! Ted, I was sure touched
by your thoughtfulness to drop in + see
me, its something I'll never forget!
If I still have my sanity by the
time trial comes around I'll see you
Denny, Doyle + Paul. But if I crack
up in this cell or on the way to a
show + something serious happens
whose fault is it, Me, or the hungry
political ambitious law that put me
in this cell? Take care Ted Sincerely
Joe B.

BSF-00833

*For the Teddy Deegan murder* (1)

# Was Louis Gricco framed by Joe Baron?

Copyright by Lane County Newspapers, Inc., 1971

By ALAN JEHLEN

## Exclusive series





EXHIBIT
393

## Baron lingered in luxury

Copyright by Lane County Newspapers, Inc., 1971

By ALAN JEHLEN



Alan Joseph (Bartholomew) Baron

## An editorial

## An evaluation

A profile

## Alan Jehlen

I, William Haywo. Geraway, do state the fol wing under the oeal of a Notary Public and under the penalty of perjury.

THAT, while confined in the B.S.U. at Walpole next door to me during the period of July 20, 1970, to September 25, 1970, inclusive, one Joseph Barbosa Baron admitted to me the details of numerous murders in which he had been involved or had personally committed. One of the murders in which he was a principal was that of Edward Deegan, and one of the men against whom he gave perjured testimony was a man named Joseph Salvati. In this regard he claimed the following:

1) That Salvati was entirely innocent of participation or complicity in the crime, and that he, Baron, spoke with authority since he had set up the killing, was on the scene, and was prepared to slay a second person that night, a man named Stathopolous, whom Baron persuaded to corroborate parts of his (Baron's) perjured testimony.

2) 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, a man later slain by Joseph Baron. Martin was balding and rather stocky. Salvati, according to Baron, at that time resembled Martin in build only.

3) To explain the baldness, Baron said he told the jury that Salvati was wearing a light wig of the type that holds down the natural hair growth and gives the impression of baldness. He said he didn't think the jury would actually believe this because there was no evidence that the other participants had attempted to so disguise themselves.

4) He said his motive for placing Salvati on the scene of the murde was a personal feud between himself and Salvati which resulted from an unpaid debt on the part of Salvati. Salvati, according to Baron, owed a sum of money to Baron, and when Baron sought to collect it, he was told rather brutally that he could go to Hell and that, in effect, he would not pay the money to Baron. Baron's ego was such, and is such, that such an offense constitutes a death penalty situation, and Baron claimed with pride that he had given Salvati a "long, dry, death" by convicting him through his testimony and having Salvati sentenced as a result to life in prison.

5) Baron stated that Salvati had no part in the crime whatsoever, nor any knowledge that it was to happen; that the actual gunmen who took the life of Deegan were FREDDIE CHIAPPA, JOSEPH ROMEO MARTIN, & WILFRED ROY FRENCH. He admitted, though, his own complicity as a principal, and said that he had fully intended to murder another principal that same night at the scene, a man named Stathopolous, b that he had been frightened away by the appearance of a police offi who had spotted him near the murder scene in Martin's vehicle.

There are numerous other facts and data concerning Baron's admitted framing of Salvati that are inappropriate to explore in this docume I would like to add, however, for those that may doubt my credibil that Atty. F. Lee Bailey possesses the same knowledge that I do, an Baron's greatest fear was that Bailey would come forth and tell the facts of the case to the trial judge.

RESPECTFULLY,

WILLIAM R. GERAWAY

Sworn and Subscribed to
before me on this 29
day of March 1971.

NOTARY PUBLIC

Affidavit of Behalf of Salvati

EXHIBIT
391

EFH:dad

James J. Featherstone, Deputy Chief
Organized Crime and Racketeering Section

3/31/71

Edward F. Harrington, Attorney in Charge
Boston Field Office, Organized Crime
and Racketeering Section

Conference with Public Officials of Sonoma County, Santa Rosa, California, with Respect to the Pending Prosecution of Joseph Baron for First Degree Murder

EFH March

On September 25, 1971, I conferred with District Attorney Hyland, of Sonoma County, California, at his office in Santa Rosa, with respect to the pending criminal prosecution of former government witness Joseph Baron for first degree murder.

I advised District Attorney Hyland that the Department of Justice was not attempting to interfere with his prosecution of the case, but that the purpose of my visit to see Baron was to fulfill a promise that I had made to him that I would advise the District Attorney's Office that there was a possibility that Baron's alleged involvement in the murder was the result of a "frame" by the underworld in retaliation for Baron's previous cooperation with federal and state authorities in major organized crime prosecutions. I advised District Attorney Hyland that the Department of Justice's obligations toward Baron arose out of a professional relationship of four years' duration which required, on our part, the taking of all proper steps to insure that Baron was afforded a fair and impartial trial on the pending murder charge, and in pursuance of that obligation it was deemed appropriate that the possibility of a "frame" be brought to the attention of the prosecuting authorities.

I told the District Attorney the reasons which formed the basis for the belief that Baron might have been "framed," including the unreasonableness that Baron would admit to anyone that he committed a murder as he is alleged to have done to his cellmates Carroway and Wood; that a professional enforcer like Baron would commit murder in the presence of witnesses; that Baron would need the aid of anyone to bury a body. I also advised the District Attorney




BSF-00822

that Garroway and Wood had admitted to federal and state authorities that they both have been receiving money from syndicate attorney Ronald Chisholm and that recently Wood had written the Attorney General of Massachusetts that he had information which could save Baron's life.

I also conferred with Chief Public Defender Miller, of Sonoma County, California, at his office in Santa Rosa, and generally provided him with the same information that had been given to the District Attorney. I also told Miller that Special Agents Dennis Condon and Paul Rico, of the Federal Bureau of Investigation, and Chief Investigator John Doyle, of the Suffolk County District Attorney's Office, were available to testify on behalf of Baron, if subpoenaed, as they possess information which would tend to discredit the veracity of prospective state witnesses Garroway and Wood.

I spoke with former government witness Joseph Baron at the Sonoma County Jail and engaged in general conversation. Baron told me that the underworld would take no steps to overturn the 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.

*Ex-Boston detective claims*

# Byrne had evidence of Grieco's innocence

Copyright By Globe Newspaper Co., 1977

By ALAN JONES

Before the Teddy Bergen trial began, Suffolk County District Attorney Garrett Byrne's office had strong circumstantial proof that Grieco was innocent, according to a newly interviewed former Boston police detective William W. Stuart.

Stuart said he gave evidence to John Devlin, Byrne's chief of investigators, that Louis Grieco, Peter Limone, Henry Tameleo, and Joseph Salvati were innocent.

Devlin told Stuart he didn't really care, because the men were probably guilty of other crimes if not of killing Deegan, Stuart said.

Stuart's affidavit was one of three pieces of evidence



Stuart (left) with Boston Police Supt. Joseph Jordan at Walpole State Prison in 1966

# End of series

In other words, Stuart said Chakrapan was involved in the murder, while Grieco said he knew it was not.

Deegan's sister Bessie told how the shooting was first discussed between Deegan and Stephen Bratsos, convicted of a gang in which Bratsos was friendly."

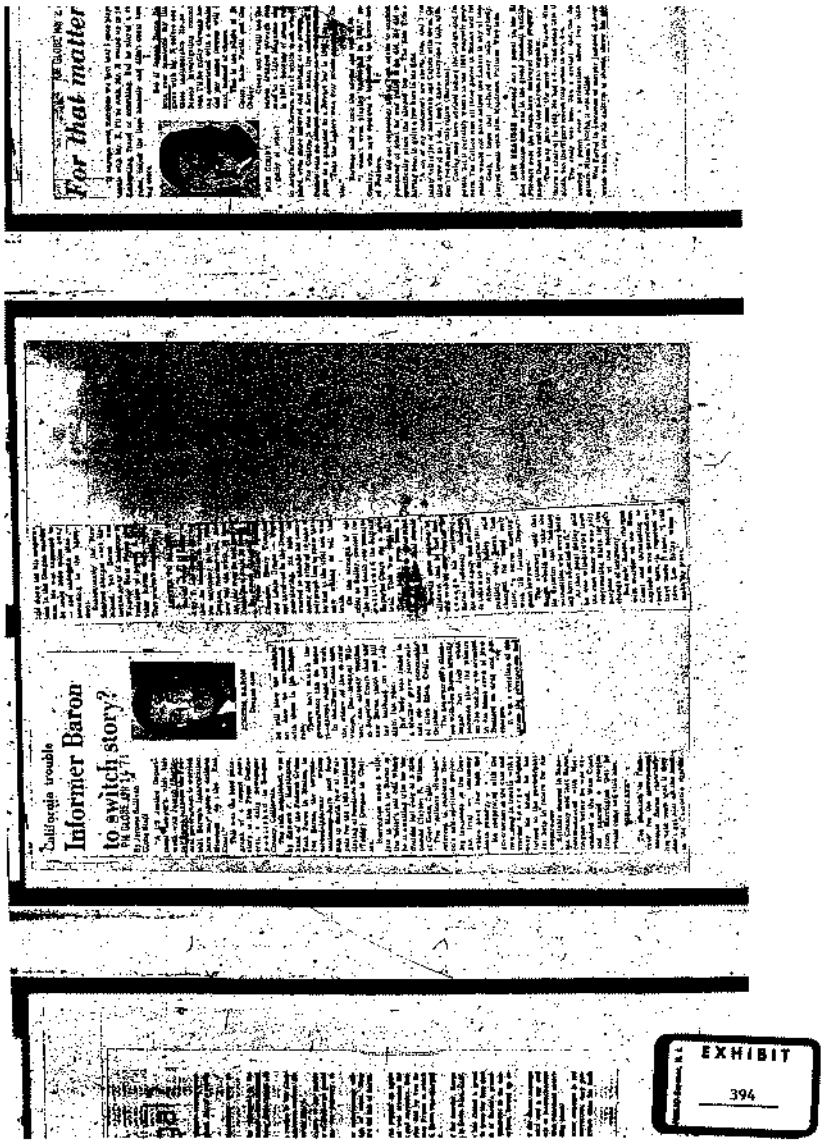
According to this version, Bessie could name no one in the group of the murder, not Tameleo and Limone, as Bratsos testified at the trial.

Stuart's affidavit also said Bessie told him that the killing because Deegan knew too much about the city's narcotics job.

Stuart said he reported his interview the same day to Devlin and Byrne, at least two members of the Boston Police Department, witness group Kenneth Conte.

Devlin told Bessie here and then, according to Stuart, he would check out Bessie's story but he never did.

Stuart said Devlin told him that he would not report the information to Byrne, because Byrne was a politician and Limone, as Bratsos testified at the trial


For that matter
California trouble
Informer Baron
to switch story?
EXHIBIT
394

*A fellow convict claims*

# Baron framed Grieco and murdered 6



Atty. E. Lee Bailey represented Joe Baron




Convicted murderer says

# *'The taking of a life is a serious matter'*

4/30/71

AIRTEL

TO : DIRECTOR, FBI (166-3219)

FROM: SAC, BOSTON (166-629)(P)

RAYMOND L. S. PATRIARCA, aka;
ET AL
ITAR-GAMBLING

Joseph BARROW

ReBSairtel, 4/22/71 and Buairtel to Boston, 4/28/71.

WILLIAM GERAWAY, Inmate, at Massachusetts Correctional Institution, Walpole, Mass., as the Bureau is aware, is the individual whose affidavits were attached to PATRIARCA's "motion to vacate," which was filed in USDC, Boston, Mass., on 4/20/71.

GERAWAY, since that date, advised Norfolk County authorities, who cover MCI, Walpole, that he was furnishing a false affidavit for RONALD CASSESSO to try to free CASSESSO in the DEEGAN murder case. GERAWAY told Norfolk County authorities the affidavit was perjurious, but he had to do it for CASSESSO and was to receive $10,000.

The money was to be given to GERAWAY's sister, LOUISE BANFILL, on evening of 4/29/71, by a female relative of CASSESSO. Meet covered by Norfolk County and Suffolk County authorities at Boston hotel.

92-9828

3-Bureau (166-3219)
(1-92-9828)
3-Boston (166-629)
(1-92-1132)

DMC:pob
(6)

53 MAY 10 1971

EXHIBIT
397

BS 166-629

Shortly after meeting, GERAWAYs sister turned over to Norfolk County authorities $10,000 in an envelope (100-$100 bills) which she stated as the package given to her.

Atty., EDWARD F. HARRINGTON, Strike Force, Boston, Mass., who is handling the PATRIARCA motion, is fully aware of developments. Neither he nor Norfolk nor Suffolk County authorities plan any immediate action as payment is very relevant to motions which have been or may be filed, and disclosure at present time would jeopardize life of GERAWAY, where he is confined, or life of his sister.

Norfolk County authorities desire to hand deliver $10,000 to Bureau for latent fingerprint examination for subsequent comparison with prints of suspects.

Bureau will be kept advised of developments.

FBI

Date: 5/30/71

Transmit the following in ..... (Type in plaintext or code)

Via AIRTEL (Priority)

TO : DIRECTOR, FBI (166-3219)

FROM: SAC, BOSTON (166-629)(P)

RAYMOND L. S. PATRIARCA, aka;
ET AL
EXTORTION - GAMBLING

JOSEPH O BARBOZA

ReBuairtel, 4/22/71 and Buairtel to Boston, 4/28/71.

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92-9828

NOT RECORDED
49 MAY 11 1971

3-Bureau (166-3219)
(1-92-9828)
1-Boston (166-629)
(1-92-1132)

Approved: MAY 18 1971 Sent ..... M Per .....
Special Agent in Charge

EXHIBIT 398

ORIGINAL FILED IN

166-3219-153

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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);<br>OBSTRUCTION OF JUSTICE;<br>OFFICE OF PROFESSIONAL<br>RESPONSIBILITY (OPR);<br>BOSTON DIVISION;<br>OO: FBIHQ | Joshua Hochberg, PIS, DOJ<br>IIC Charles S. Prouty | tls |
| | CHARACTER OF CASE<br>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

EXHIBIT 399

COVER PAGE

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

JUN - 4 1971

# Baron Trial Set Sept. 28

An early fall date was selected today for the trial of Joseph Barboza Baron, a reputed gangland enforcer turned informant, who is charged with the execution-style slaying of a Santa Rosa man last July.

During a 30-second court appearance, Superior Court Judge Lincoln F. Mahan set the 38-year-old New Bedford, Mass., man's trial for Sept. 28.

Mr. Baron is accused of murder in the slaying of 26-year-old Clay Wilson, whose body was found in a shallow grave on a Glen Ellen hillside last Oct. 12.

Meanwhile, The Press Democrat learned today Mr. Baron last week signed affidavits affirming testimony he gave in the East Coast which resulted in murder convictions against several Mafia figures in 1968.

Sources at the Hall of Justice told The Press Democrat two FBI agents visited Mr. Baron in his jail cell on Wednesday of last week and they returned to the East Coast with Mr. Baron's affidavits.

Mr. Baron in 1968 turned state's evidence and was responsible for the conviction of several gangland figures in connection with the 1965 slaying of Edward (Teddy) Deegan in a Chelsea, Mass., alley.

Some got the death penalty and are awaiting execution while others got long prison sentences.

After testifying for the government, Mr. Baron was sent to Santa Rosa to hide out and presumably begin a new life under the name of Joseph Bentley.

He was told to stay out of Massachusetts.

But he returned last July and was arrested during some race riots. Late last summer, while in prison, Mr. Baron announced he wanted to change his testimony that put three of his former colleagues in death row.

The convicts, Mafia Chieftain Henry Tameleo, and Peter Limone, both condemned to death, and Louis Grieco, a lifer, immediately asked for new trials.

Others, including another Mafia chieftain, Raymond L. A. Patriarca, did also.

But a few days later, Mr. Baron reneged, stating he did not want to retract his testimony.

That was in September. The following month, Mr. Baron was charged with the murder of Mr. Wilson, upsetting a delicate situation and causing a dilemma for the Justice Department.

The Mafiosos continue to press for new trials on the basis of Mr. Baron's fickleness and in light of alleged new evidence.

EXHIBIT 400

Wednesday
June 9, 1971

PEABODY TIMES

# 2 support innocence of convicted killer

## Background

Two months ago, this newspaper instituted a lengthy exclusive series presenting facts that challenge the conviction of Louis Greco of Peabody for the disguised slaying of Edward "Teddy" Deegan in a Chelsea alley on March 12, 1965.

Greco and three other alleged Mafia figures were sentenced to die by Justice Felix Forte in Essex Superior Court on July 31, 1968, largely through the testimony of Joseph (Barboza) Barboza, formerly of Somerville.

Barboza, exposure underworld enforcer turned informer, kept on the prison roster of John Roberto Howard at Wrentham as Defense's Mark 1c. Commissioner, for almost a year during his Deegan murder trial on prescriptive custody by 15 deputy US marshals, the Coast Guard and heavy-calibre hardtack shepherd dogs. That was the taxpayers about $15,000 a month, reckoning room and other necessaries.

In the continuation of the exclusive series today, Times reporter Alan Jehle interviewed Assistant Asst. T. Lee Bailey who also represented Joseph Bailey portrayed Greco's conviction in the Deegan murder.

Jehle also interviewed Kenneth Landers formerly of Peabody, now an inmate at Billerica House of Correction who was a friend of Anthony J. Stathopoulos, another key prosecution witness in the Deegan murder trial.

According to Landers, Stathopoulos identified Greco as the shooter from out of light and his car and from memory.



*Is Louis Greco a murderer?*



*His new Atty. F. Lee Bailey*



*Joseph Barboza on trial*

## Landers statement:

*Copyright by Times Company Newspapers Inc., 1971*

Reader's story is on page 15

By ALAN JEHLE

BILLERICA — Co-conspirator witness Anthony J. Stathopoulos was spending State time, not murder, when he swore he saw a man who looked like Louis Greco of Peabody in the street of the 1965 Edward (Teddy) Deegan murder.

Those are excerpts from a sworn statement from a Billerica House of Correction inmate who knew Stathopoulos during the latter's between Thanksgiving and the murder trial in 1968.

The inmate, Kenneth Landers, 30, said Stathopoulos first learned he couldn't identify anybody in the street, despite pressure from MDC Detective Thomas Robichaud to get Greco and three others convicted.

Robichaud was working for Suffolk County District Attorney Garrett Byrne at the time.

Stathopoulos' statement which finally made Stathopoulos change his story:

"It was just too late.

Landers said Stathopoulos was afraid that Millard Ray Francis, one of the principals in the murder, might kill him to keep him quiet.

Stathopoulos' statement to the trial was the main Francis testified that Greco and three others actually helped him.

Stathopoulos' statement at the trial was the main corroborative piece for Joseph (Barboza) Barboza's story of the murder.

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Stathopoulos' statement at the trial was the main corroborative piece for Joseph (Barboza) Barboza's story of the murder.

The trial ended in death sentences for Greco, Pete Limone of Medford, Henry Tameleo of Chelsea, R. and Ronald Cassesso of Somerville.

Landers is serving a six - month sentence for breaking and entering. He is due to be released a private later this month. He plans to get a job as a heavy machinery operator for a construction company.

He lived on Cedar Road, Peabody, in 1966 and 1967 and then moved to Lynn before his arrest.

Landers wrote to DON after reading about the Deegan series. He also signed a sworn, notarized statement.

"Landers' prior

EXHIBIT
401

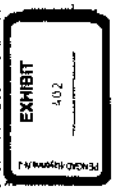
'Baron helped to frame Grieco': F. Lee Bailey

'Witness fingered Grieco out of fear': Landers

# Two say Grieco innocent of Deegan murder

## Bailey's statement:

## Landers statement:



The Attorney General

August 2, 1971

Director, FBI

1 - Mr. Sullivan
1 - Mr. Bishop
1 - Mr. Gale
1 - Mr. Staffeld
1 - Mr. Green

RAYMOND L. S. PATRIARCA
ANTI-RACKETEERING

Commissioner Edmund L. McNamara, Boston, Massachusetts, Police Department, has requested that he or his representative be allowed to review the transcripts of the electronic surveillance maintained by the Federal Bureau of Investigation from 1962 to 1965 on Raymond L. S. Patriarca, New England La Cosa Nostra "boss." Commissioner McNamara's request is prompted by publication of a copyrighted story in the July 29, 1971, edition of the "Boston Globe" newspaper which contained extensive information on the operations of organized crime, gambling and corruption in the New England area based on the records of our surveillance. The review to be made by Commissioner McNamara would be limited to those items pertaining to allegations of misconduct on the part of his department as commented about in the "Boston Globe" articles.

During the trial of Patriarca, in 1968, in the United States District Court, Boston, Massachusetts, for violation of the Interstate Transportation in Aid of Racketeering Statute, 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. Information has been received that Chief Judge Bailey Aldrich, United States Court of Appeals, in September, 1969, reached an agreement with the attorneys for the "Boston Globe" that the newspaper would not print information from the electronic surveillance. It would appear that the "Boston Globe" is now printing this information as a result of recent testimony about corruption in police departments at the hearings being conducted by Senator John L. McClellan's Committee.

92-2961-1120

It is respectfully requested that you advise this Bureau if favorable consideration should be given to Commissioner McNamara's request.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Criminal Division

ARW:mjf
(10)

59 AUG 6 1971

MAIL ROOM TELETYPE UNIT

EXHIBIT
403

(Mount Clipping in Space Below)

# The story of the Patriarca transcripts

There has been much misunderstanding and lack of knowledge about The Globe coming into possession of the FBI-Patriarca transcripts and The Globe's handling of them. Here are the facts:

Almost anyone could have had access to this detailed narration of life in The Mob as related by the reputed New England boss, Raymond L. S. Patriarca, and those who attended the regular business meetings in his Providence office.

It was so easy one is amused now at suggestions that the transcripts of electronic surveillance were "leaked" by the FBI to embarrass one or more of the hundreds of individuals named in the documents.

There they were in the 16th floor storeroom of the First Circuit Court of Appeals in Boston's Federal Building. Two dozen bound volumes of FBI communications, containing thousands of words of political dynamite and trivia, were stacked in three or four cardboard cartons.

The case was marked No. 6829 and was entitled "Louis J. Taglianetti, Defendant-Appellant v. United States of America, Plaintiff-Appellee."

The identification tags also noted: "In Appeal from the Judgment of United States District Court for District of Rhode Island."

But you didn't have to know all [illegible]

Only had to ask for the "Taglianetti papers," and they knew in the [illegible] office what I was talking [illegible] because the case had had plenty of newspaper coverage in the preceding years.

"All of them!" the girl asked, and detected that there must have been large number.

"Please," I replied and she proceeded to carry out the boxes, one at a time, and place them on the counter for my inspection.

A random glance at one volume, reporting that a former high law enforcement official allegedly was on The Mob's payroll, showed that I had obtained what the FBI had attempted to keep secret since it began operating its illegal "bug" on March 2, 1962.

The first public disclosure that the FBI had "bugged" the Patriarca operations center was in May, 1967, when a fraction of the documents was introduced into the record in US District Court in Providence.

FBI agents, using earphones and a tape recorder and stationed in the vicinity of Patriarca's office at 168 Atwells av., picked up conversations until the project was discontinued on July 12, 1965.

Each day the tapes were shipped to FBI headquarters in Boston where they were transcribed and summarized under the direction of former Agent John F. Kehoe Jr., who, in retirement from the bureau, is the new state public safety commissioner in Massachusetts.

The tapes were erased at the end of the day and used over again. Kehoe's communications, known in the bureau as "airtels", were sent daily to Washington headquarters and any other bureaus concerned with particular developments in Patriarca's office.

Taglianetti, also known as "The Fox," and one of Patriarca's [illegible] [illegible]

54 SEP 21 1971

(Indicate page, name of newspaper, city and state.)

THE BOSTON GLOBE
BOSTON, MASS.

THE BOSTON HERALD TRAVELER
BOSTON, MASS.

THE BOSTON RECORD AMERICAN
BOSTON, MASS.

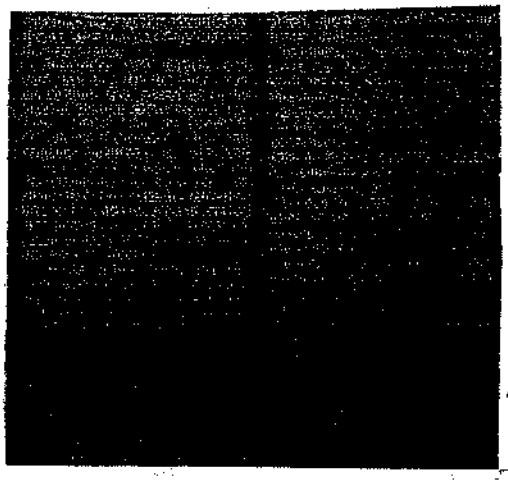
Date: 9/2/71
Edition: Morning
Author: Richard Connolly
Editor: Thomas Winship
Title: RAYMOND L.S. PATRIARCA
Character: or Anti-Racketeering
Classification: 92-
Submitting Office: Boston
Being Investigated

EX-102

REC-66

EXHIBIT
404

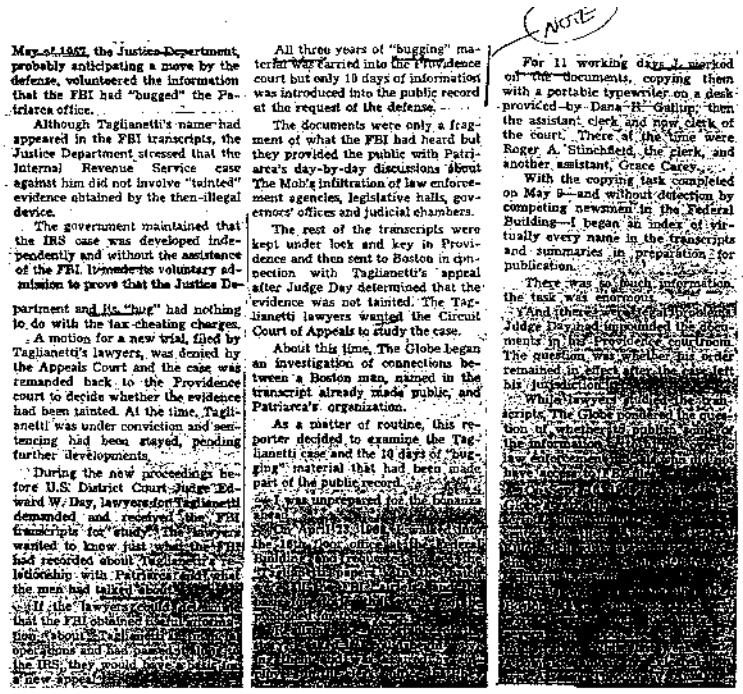
1910



Reporter For
the Boston
Globe

9 Mass.

NOTE



May of 1967, the Justice Department, probably anticipating a move by the defense, volunteered the information that the FBI had "bugged" the Patriarca office.

Although Taglianetti's name had appeared in the FBI transcripts, the Justice Department stressed that the Internal Revenue Service case against him did not involve "tainted" evidence obtained by the then-illegal device.

The government maintained that the IRS case was developed independently and without the assistance of the FBI. It made its voluntary admission to prove that the Justice Department and its "bug" had nothing to do with the tax-cheating charges.

A motion for a new trial, filed by Taglianetti's lawyers, was denied by the Appeals Court and the case was remanded back to the Providence court to decide whether the evidence had been tainted. At the time, Taglianetti was under conviction and sentencing had been stayed, pending further developments.

During the new proceedings before U.S. District Court Judge Edward W. Day, lawyers for Taglianetti demanded and received the FBI transcripts for study. The lawyers wanted to know just what the FBI had recorded about Taglianetti's relationship with Patriarca and what the men had talked about [illegible]

If the lawyers could determine that the FBI obtained useful information about Taglianetti [illegible] operations and had passed [illegible] the IRS, they would have a basis for a new appeal [illegible]

All three years of "bugging" material was carried into the Providence court but only 10 days of information was introduced into the public record at the request of the defense.

The documents were only a fragment of what the FBI had heard but they provided the public with Patriarca's day-by-day discussions about The Mob's infiltration of law enforcement agencies, legislative halls, governors' offices and judicial chambers.

The rest of the transcripts were kept under lock and key in Providence and then sent to Boston in connection with Taglianetti's appeal after Judge Day determined that the evidence was not tainted. The Taglianetti lawyers wanted the Circuit Court of Appeals to study the case.

About this time, The Globe began an investigation of connections between a Boston man, named in the transcript already made public, and Patriarca's organization.

As a matter of routine, this reporter decided to examine the Taglianetti case and the 10 days of "bugging" material that had been made part of the public record.

I was unprepared for the bonanza ahead.

On April 23, 1968, I walked into the 16th floor office at the Federal Building and requested [illegible] "Taglianetti paper" [illegible]

For 11 working days I worked on the documents, copying them with a portable typewriter on a desk provided by Dana H. Gallup, then the assistant clerk and now clerk of the court. There at the time were Roger A. Stinchfield, the clerk, and another assistant, Grace Carey.

With the copying task completed on May 9—and without detection by competing newsmen in the Federal Building—I began an index of virtually every name in the transcripts and summaries in preparation for publication.

There was so much information, the task was enormous.

And there were legal problems. Judge Day had impounded the documents in his Providence courtroom. The question was whether his order remained in effect after the case left his jurisdiction [illegible]

While lawyers studied the transcripts, The Globe pondered the question of whether its publish some of the information [illegible] law enforcement [illegible] have access to [illegible]

The Attorney General

August 3, 1971

1 - Mr. Sullivan
1 - Mr. Bishop
1 - Mr. Gale
1 - Mr. Staffeld
1 - Mr. Green

Director, FBI

RAYMOND L. S. PATRIARCA
ANTI-RACKETEERING

Reference is made to my letter of August 2, 1971, advising that Commissioner Edmund L. McNamara, Boston, Massachusetts, Police Department, had requested that he or his representative be allowed to review the transcripts of the electronic surveillance maintained by the Federal Bureau of Investigation from 1962 to 1965 on Raymond L. S. Patriarca, New England La Cosa Nostra "boss."

Commissioner McNamara's request was prompted by publication of a copyrighted story in the July 29, 1971, edition of the "Boston Globe" newspaper which contained extensive information concerning organized crime, gambling and corruption in the New England area based on the records of the electronic surveillances of Patriarca. Our Boston office has now received a letter from Garrett H. Byrne, District Attorney, Suffolk County, Massachusetts, which includes Boston, requesting that Byrne, in his official capacity, be allowed to obtain copies of all material contained in the electronic surveillance that refer to incidents and people in Suffolk County.

It is respectfully requested that you advise this Bureau if favorable consideration should be given to District Attorney Byrne's request.

REC-66 92-2961-1119

1 - The Deputy Attorney General

EX-109

1 - Assistant Attorney General
Criminal Division

16 AUG 6 1971

NOTE: 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.

CLG:mjf
(10)

MAILED 3
AUG4 - 1971
FBI

59 AUG 6 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

EXHIBIT
405

Form DJ-150
(Ed. 4-26-55)

UNITED STATES GOVERNMENT

# Memorandum

TO : Director
Federal Bureau of Investigation

DATE: Aug

WW:PTW:
177-012

FROM : Will Wilson
Assistant Attorney General
Criminal Division

SUBJECT: Raymond L. S. Patriarca
Anti-Racketeering

Mr. Tolson
Mr. Felt
Mr. Sullivan
Mr. [illegible]
Mr. [illegible]
Mr. Brennan, C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Gale
Mr. Ponder
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

This is in response to your memorandum of August 2, 1971, addressed to the Attorney General, requesting advice as to whether favorable consideration should be given to the request of Police Commissioner Edmund L. McNamara, Boston, Massachusetts, that he be allowed to review the transcripts of the electronic surveillance maintained by the Bureau from 1962 to 1965 on Raymond L. S. Patriarca.

In accordance with the Department's long-standing policy of non-disclosure of sensitive intelligence information, 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.

Accordingly, it is our view that Commissioner McNamara's request should be declined.

ST-117

STAFFELD

EXP. PROC.

35 AUG 6 1971

UNRECORDED COPY FILED IN

92-2961-1122

RECORDED
16 AUG 6 1971

AUG 19 1971

EXHIBIT
406

55 AUG 23 1971

DIRECTOR

Form DJ-150
(Ed. 4-26-65)

UNITED STATES GOV NMENT  EPARTMENT O

# Memorandum

TO : Director
Federal Bureau of Investigation

DATE: Augu

WW:PTW:sk
177-012

FROM : Will Wilson
Assistant Attorney General
Criminal Division

SUBJECT: Raymond L. S. Patriarca
Anti-Racketeering

Mr. Tolson
Mr. Felt
Mr. Sullivan
Mr. Mohr
Mr. Bishop
Mr. Brennan, C.D.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Gale
Mr. Ponder
Mr. Rosen
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

This is in response to your memorandum of August 3, 1971, addressed to the Attorney General, requesting advice as to whether favorable consideration should be given to the request of Garrett H. Byrne, District Attorney, Suffolk County, Massachusetts, that he be allowed to obtain copies of all materials contained in the transcripts of the electronic surveillance maintained by the Bureau on Raymond L. S. Patriarca from 1962 to 1965 that refer to incidents and people in Suffolk County.

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 declined.

EXP PROC.
36 AUG 11 1971
UNRECORDED COPY FILED IN

SA Scanlon Boston advised 1:50 pm 8/11/71

Be certain both Byrne & McNamara are told this is the instruction from Asst A.G. Wilson
92-2961-1121

ST-117 REC-23
22 AUG 19 1971

ENCLOSURE

EXHIBIT
407

55 AUG 23 1971

AUG 19 1971

SS DIRECTOR

8/11/71

Airtel

To: SAC, Boston (94-536)

From: Director, FBI

CRIMINAL INTELLIGENCE PROGRAM
BOSTON DIVISION

Reurtel 8/2/71.

Confirming Butelcall 8/11/71 attached is a copy of a letter from Will Wilson, Assistant Attorney General, Criminal Division, dated August 10, 1971, which is self-explanatory 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.

Enclosure

MAILED 20
AUG 11 1971
FBI

92-2961-

NOT RECORDED
191 19 1971

GRB:mjf
(4)

AUG 23 1971
MAIL ROOM TELETYPE UNIT

EXHIBIT
408

FD-263 (Rev. 4-30-86)

# 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);<br>OBSTRUCTION OF JUSTICE;<br>OFFICE OF PROFESSIONAL RESPONSIBILITY (OPR);<br>BOSTON DIVISION;<br>OO: FBIHQ | Joshua Hochberg, PIS, DOJ<br>IIC Charles S. Prouty | tls |
| | CHARACTER OF CASE<br>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:<br>3 - Bureau (263-HQ-1220323)<br>(1 - AD Michael A. DeFeo)<br>(2 - Inspection Team)<br>1 - Department of Justice<br>1 - Massachusetts USAO Trial Team | | |

| DISSEMINATION RECORD OF ATTACHED REPORT | | | | | Notations |
|---|---|---|---|---|---|
| Agency | | | | | |
| Request Recd. | | | | | |
| Date Fwd. | | | | | |
| How Fwd. | | | | | |
| By | | | | | |

EXHIBIT 409

COVER PAGE

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." |

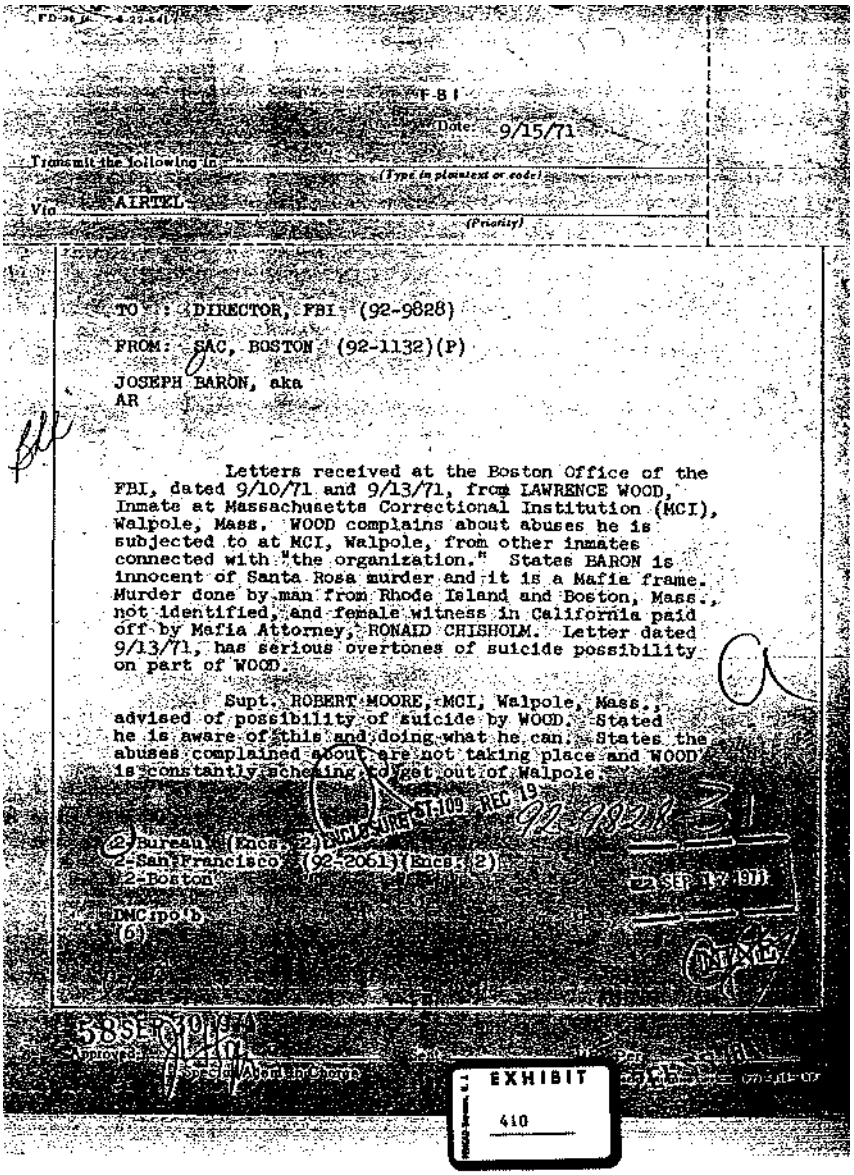
Flemmi was advised of the Attorney General Guidelines on four occasions between October 16, 1986 - November 17, 1989. The relevant Attorney General Guidelines were established on December 2, 1980. Section E of the guidelines requires that informants receive instruction that he/she is not protected from 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 (Rev. 5-22-64)

FBI

Date: 9/15/71

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO : DIRECTOR, FBI (92-9828)

FROM: SAC, BOSTON (92-1132)(P)

JOSEPH BARON, aka
AR

Letters received at the Boston Office of the FBI, dated 9/10/71 and 9/13/71, from LAWRENCE WOOD, Inmate at Massachusetts Correctional Institution (MCI), Walpole, Mass. WOOD complains about abuses he is subjected to at MCI, Walpole, from other inmates connected with "the organization." States BARON is innocent of Santa Rosa murder and it is a Mafia frame. Murder done by man from Rhode Island and Boston, Mass., not identified, and female witness in California paid off by Mafia Attorney, RONALD CHISHOLM. Letter dated 9/13/71, has serious overtones of suicide possibility on part of WOOD.

Supt. ROBERT MOORE, MCI, Walpole, Mass., advised of possibility of suicide by WOOD. Stated he is aware of this and doing what he can. States the abuses complained about are not taking place and WOOD is constantly scheming to get out of Walpole.

ENCLOSURE ST-109 REC 19 92-9828

2-Bureau (Encs. 2)
2-San Francisco (92-2061)(Encs. 2)
2-Boston

SEP 17 1971

DMC:po'b
(6)

58 SEP 30 1971

Approved: _____ Sent _____ Per _____
Special Agent in Charge

EXHIBIT
410

BS 92-1132

Strike Force Attorney, ALBERT CULLEN, Boston, feels that since BARON was paroled in their custody, WOOD has previously been interviewed by them, and Strike Force Attorney has been in contact with District Attorney and Defense Attorney in Santa Rosa, Calif., in past, he should advise District Attorney and Defense Attorney and make copies of letters available to them.

Copies of WOOD letters of 9/10/71 and 9/13/71, respectively, enclosed for information of Bureau and San Francisco.

[illegible]
State Prison D.S.U.
South Walpole, Massachusetts 02071

to:
Garrett Byrne
District Attorney
Boston, Mass. (CERTIFIED MAIL)

Tuesday, September 21, 1971

re: JOSEPH "THE ANIMAL" BARON

Dear Mr Byrne:

Usually, to solve a murder, any murder, your officers must put in hundreds of hou of police and investigative work, and must evaluate evidence without benefit of voluntary polygraph tests, etc. I have submitted affidavits to your office accusi Joseph Barboza Baron of a number of murders and offered to take polygraphs on the allegations before appearing before a grand jury. (If you had submitted Baron to a polygraph, a number of men would not be on death row and/or in prison today, bu of course you couldn't do that because your subordinates, WITH YOUR KNOWLEDGE, we rehearsing with him his perjured testimony.) The cases smell so badly that their odor is beginning to reach even the most secluded public nostrils. Now I am re-entering my plea to you, and your response (or probable lack of it) will be caref ully noted. Please keep one thing in mind, all you can do to me, all the governme 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 Deegan murder receive fair treat ment and that Baron is convicted of murder, then let it be. Remember, you used hi word and his word alone, so my word should be no less acceptable to a jury. I am, therefore, requesting in this certified letter, the following:

1) That I be taken to police headquarters and given a polygraph test on Baron having admitted to me the intimate details of the murder of Joseph Francione.

2) That I be taken out for a similar test on his admission, in detail, of the murder of [redacted] Carlton Eaton.

3) That I be taken out and be given a polygraph test on Baron having admitted th murder of Raymond DeStasio.

4) That, following my passing of these tests, without failure in any area, that I be brought before a grand jury and that your office proceed as a matter of public duty to have Joseph Baron indicted on these three murders, since he is about to be acquitted in California thanks to the manipulations of Ted Harrin ton, drunken Lt. Bergin, and others in the State of California and here, incl-uding men from your own office, perhaps even yourself.

An alternative to this is that a private expert, perhaps Zimmerman or an associat will test me on the details of each of the murders mentioned, and you will receiv a copy of the test, along with the news clipping in which this letter will appear You are a district attorney. Your oath of office demands unequivocally that you prosecute Baron, and you went on record as calling him one of the real killers in the Commonwealth. I stand ready to testify against him on at least four murders in your county, maybe as many as eight, each accompanied by a polygraph. A copy o this letter will be sent to the news media and a copy will be held for my attorne to distribute as he sees fit. Your "No comment on cases pending or unsolved" will not be very effective in the light of the fact that you have a witness willing to be fully interrogated (in the presence of my attorney) and willing to undergo polygraph and psychiatric tests. [redacted] I must insist that in keeping with your duty you investigate these murders, and if you refuse, your lack of response will be duly noted, in conjunction with the assistance Baron is receiving in Calif., and it will be taken to another level of prosecution.

Sincerely

Wm. Geraway

c. Essex County News Service
Atty. Martin Leppo

EXHIBIT
411

FILED

SEP 23 1971

EUGENE D. WILLIAMS, Co. Clerk
By _____ Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SONOMA

THE PEOPLE OF THE STATE OF CALIFORNIA, ) No. 6407-C
) Dept. No. 4
vs. )
)
JOSEPH BENTLEY aka JOSEPH BARBOSA, )
aka JOSEPH BARON BARBOSA, aka )
JOSEPH BARBOSA BARON, )
)
Defendants. )

PETITION FOR ORDER REQUIRING WITNESS TO APPEAR BEFORE THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF SONOMA

STATE OF CALIFORNIA )
) ss.
County of Sonoma )

JOHN W. HAWKES, being first duly sworn, deposes and says: That he is the Assistant District Attorney of the County of Sonoma, State of California; that there is now pending in the Superior Court of the State of California, for the County of Sonoma, a court of record in said state, a criminal prosecution entitled THE PEOPLE OF THE STATE OF CALIFORNIA v. JOSEPH BENTLEY aka JOSEPH BARBOSA aka JOSEPH BARON BAROSA, aka JOSEPH BARBOSA BARON, charging murder; that the trial of said prosecution has been set by said court for the 19th day of October, 1971, at the hour of 10:00 a.m., Hall of Justice, Santa Rosa, Sonoma

EXHIBIT 412

County, California.

That WILLIAM R. GERAWAY, presently incarcerated in the Massachusetts Correctional Institution, S. Walpole, Norfolk District, Massachusetts, is a necessary and material witness and that his testimony is necessary for the proper presentation of evidence at said trial and his presence will be required on October 19, 1971, and for some time thereafter.

That the testimony of the said WILLIAM R. GERAWAY is necessary and material for the reason that the above-named defendant admitted to the said WILLIAM R. GERAWAY, while both were confined in Walpole Prison that he had shot a man in California and buried him and wanted the said WILLIAM R. GERAWAY to move the body, said facts showing that said defendant committed the murder for which he is being prosecuted.

WHEREFORE, Affiant prays that the above-entitled Court issue a Certificate as provided in Section 1334.3 of the Penal Code of the State of California for the purpose of securing the attendance of the said WILLIAM R. GERAWAY as a witness before said Court; that immediately after the said WILLIAM R. GERAWAY has testified as such witness that he be returned to the custody of the Massachusetts Correctional Institution, S. Walpole, Massachusetts.

DATED: September 22, 1971.

Subscribed and sworn to before me this 22nd day of September, 1971.

EUGENE D. WILLIAMS, County Clerk

By _____ Deputy

JOHN W. HAWKES, Assistant District Attorney

FILED
SEP 27 1971
EUGENE D. WILLIAMS, Co. Clerk
By [signature] Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SONOMA

THE PEOPLE OF THE STATE OF CALIFORNIA )
)
Plaintiff, )
)
v ) NO. 6407-C
)
JOSEPH BENTLEY aka JOSEPH BARBOSA, )
aka JOSEPH BARON BARBOSA, aka )
JOSEPH BARBOSA BARON, )
)
Defendants, )
)

PETITION FOR ORDER REQUIRING WITNESS TO APPEAR BEFORE THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF SONOMA

STATE OF CALIFORNIA )
) ss.
COUNTY OF SONOMA )

MARTEEN J. MILLER, being first duly sworn, deposes and says: That he is the Public Defender of the County of Sonoma, State of California, that there is now pending in the Superior Court of the State of California, for the County of Sonoma, a court of record in said state, a criminal prosecution entitled THE PEOPLE OF THE STATE OF CALIFORNIA v. JOSEPH BENTLEY aka JOSEPH BARBOSA aka JOSEPH BARON BARBOSA, aka JOSEPH BARBOSA BARON, charging murder, that the trial of said prosecution has been set by said court for the 19th day of October, 1971, at the hour of 10:00 a.m., Hall of Justice, Santa Rosa, Sonoma County, California.

EXHIBIT A13

That LA WRENCE WOOD, presently incarcerated in the Massachusetts Correctional Institution, S. Walpole, Norfolk District, Massachusetts, is a necessary and material witness and that his testimony is necessary for the proper presentation of evidence at said trial and his presence will be required on October 19, 1971, and for some time thereafter.

That the testimony of the said LWRENCE WOOD is necessary and material in the defense of the defendant for the reason that he may offer testimony impeaching the prosecution witness WILLIAM R. GERAWAY.

WHEREFORE, Affiant prays that the above-entitled Court issue a Certificate as provided in Section 1334.3 of the Penal Code of the State of California for the purpose of securing the attendanceof the said LAWRENCE WOOD as a witness before said Court; that immediately after the said LAWRENCE WOOD has testified as such witness that he be returned to the custody of the Massachusetts Correctional Institution, S. Walpole, Massachusetts.

DATED: 9/27/71

Subscribed and sworn to before me this 27th day of September, 1971.

MARTEEN J. MILLER
Public Defender

EUGENE D. WILLIAMS, COUNTY CLERK

by: _____
Deputy

FILED

SEP 27 1971

EUGENE D. WILLIAMS, Co. Clerk

By _____ Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SONOMA 6407-C

STATE OF CALIFORNIA )
) ss.
County of Sonoma )

CERTIFICATE FOR ATTENDANCE OF WITNESS BEFORE SAID COURT

I, JOSEPH P. MURPHY, JR., a Judge of the above-entitled Court, hereby certify as follows:

That the Superior Court of the State of California, in and for the County of Sonoma, is a court of record in the State of California, and that I am a duly elected, qualified and acting judge of said court.

That it satisfactorily appears to me from the annexed affidavit of MARTEEN J. MILLER, Public Defender of Sonoma County, California, that there is pending in the said court a criminal action entitled THE PEOPLE OF THE STATE OF CALIFORNIA v. JOSEPH BENTLEY aka JOSEPH BARBOSA, aka JOSEPH BARON BARBOSA, aka JOSEPH BARBOSA BARON, and that LAWRENCE WOOD, presently incarcerated in the Massachusetts Correctional Institution, S. Walpole, Massachusetts, is a necessary and material witness at said trial; that, further, the laws of the State of California will give to the said LAWRENCE WOOD protection from arrest and service of civil and criminal process if he appears as such witness as provided in Sections 1334.4 and 1334.5 of the Penal Code of the State of California.

It is recommended that a justice of the Superior Court for the District of Norfolk, State of Massachusetts, or a justice or special justice of the District Court, order that the said LAWRENCE WOOD be held in custody and delivered to an officer of the County of Sonoma, State of California, to insure his attendance at the time of trial of the above-entitled action as a witness before the above-entitled Court, on October 19, 1971, at the hour of 10:00 a.m., in the Hall of Justice, Santa Rosa, Sonoma County, California, and for some time thereafter.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Superior Court, at Santa Rosa, Sonoma County, California, this 27th day of September, 1971.

Joseph P. Murphy, Jr.
JUDGE OF THE SUPERIOR COURT

OCT 14 1971

# U.S. Lawyer Visits Baron

By BONY SALUDES

A Justice Department attorney from Boston yesterday paid another visit to caseload informer Joseph Barboza Baron, set to go to trial on a murder charge Tuesday.

Edward Francis Harrington, attorney in charge of the US Crime Strike Force, Justice Department, was silent after talking to the 39-year-old New Bedford, Mass., man at the county jail.

A visit Mr. Harrington made to Mr. Baron here in March had repercussions back to Washington, D.C. The attorney's visit again raised speculations, especially since he was evasive to a newsman's queries regarding the purpose of his visit.

Mr. Baron's attorney, Public Defender Marteen Miller, with whom Mr. Harrington conferred after seeing Mr. Baron in his cell, was mum also.

Mr. Harrington was met at the San Francisco International Airport by Mr. Miller's investigator, Greg Evans, and driven to Santa Rosa yesterday afternoon.

The Justice Department has treated Mr. Baron favorably since he turned states evidence in 1968 which resulted in murder convictions against high-ranking Mafia figures in the East Coast.

Mr. Harrington reportedly has a special rapport with Mr. Baron, having dealt with him many times in the past.

Mr. Harrington also dropped in on District Attorney Kiernan Hyland and Assistant District Attorney John W. Hawkes and Sheriff Don Striepeke.

When approached by a reporter and asked the purpose of his visit, Mr. Harrington gave a

(Continued on Page 6, Col. 7)

## *Federal Lawyer Visits Baron*

(Continued from Page 1)

brisk "no comment."

He said his purpose for being in California was the national organized crime task force's interest in some recent bookies arrests in San Francisco.

Santa Rosa isn't very far from San Francisco, he said.

**2 Witnesses**

Meanwhile, two key witnesses to be called in the Baron murder trial yesterday arrived in Santa Rosa from Massachusetts and were booked at the county jail.

They are William Raymond Geraway, 35, a convicted murderer, and Lawrence Wendell Wood, 46, both of whom are incarcerated in Massachusetts state prisons.

Geraway and Wood gave information which led to the discovery of the body of Clayton Ricky Wilson, 26, Santa Rosa, in a crude grave near Glen Ellen in October of last year and the subsequent murder charge against Mr. Baron.

Geraway has been subpoenaed by the prosecution and Wood by the defense.

They were secretly transported in different planes. Geraway was brought by Detective Sgt. Tim Brown and Deputy Frank Bean and Wood by Lt. Paul Stefani and Detective Sgt. Erwin (Butch) Carlstedt.

EXHIBIT 414

UNITED STATES GOVERNMENT DEPARTMENT OF JUSTICE

# Memorandum

EFH:ded

TO : File DATE: 10/18/71

FROM : Mr. Harrington

SUBJECT: Trip to California

At 3:00 P. M. (P.S.T.) on October 13, 1971, I spoke with Assistant District Attorney John Hawkes and advised him that I was in Santa Rosa, at Joseph Baron's request, to see him prior to his trial scheduled for October 19, 1971. Hawkes told me that he would tell the District Attorney the purpose of my visit.

At approximately 3:15 P. M. on the same date, I spoke with the Sheriff of Sonoma County who told me that for security reasons only personnel attached to the District Attorney's Office and the Public Defender's Office were allowed to see Joseph Baron. I advised the Sheriff that I would abide by his order. The Sheriff informed me that the District Attorney "didn't like me" because I had previously told the District Attorney that Baron was being framed. I told the Sheriff that I had previously told the District Attorney that the fact that Baron's being framed by the underworld was a distinct possibility and was a consideration that he should be aware of. The Sheriff also said that I had previously told the District Attorney that if Baron were convicted on the pending charge that I would get him off with a light sentence. I denied that I had ever made this statement to the District Attorney.

I spoke with the Public Defender of Sonoma County(Miller) and his Chief Investigator (Evans) from approximately 3:30 P. M. until approximately 5:30 P. M. The Public Defender advised me that Baron had decided that he wished to fight the case and not to plead guilty to any of the charges pending against him. The Public Defender advised me that he wanted Special Agent 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 requested that I use my influence with Mrs. Baron to persuade her to come to California and to testify on behalf of the defense. The Public Defender also asked

EXHIBIT 415

BSF-00836

EXHIBIT 416

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SONOMA

DEPT. 4

Date: 10/19/71 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 PAHEY, Chief Deputy District Attorney

vs.

JOSEPH BENTLEY EC, Defendant — Counsel appearing for Defendant: MARTEEN J. MILLER, PUBLIC DEFENDER

NATURE OF PROCEEDINGS: VIOLATION OF SEC. 187 PC, Jury ACTION No. 6407-C

This cause came on regularly this day for trial by jury. Defendant and his counsel are present.

Upon roll call of prospective jurors, all answered to the call of their names except those who were heretofore excused by the Court.

Barbara Bidia, Annary Blaborn, Eugene Camozzi, Donald Chandler, Arnold Cole, Ben Fowler, Brenda Graham, Pearl Groom. Ove Larson, Dorothy Pritchard, Asa Putnam, Alexandar Reid, Sarah Stanek and Orville Stovall excused by the Court for cause and their names ordered out of the box.

Prospective Jurors #76, Theodore Rose, through #100, Angela Young, are excused by the Court and directed to return at 10:00 A.M. Oct. 20, 1971.

Jurors #36, Emil Graveman, through #75, William B. Rich, are excused by the Court until 1:30 P.M. this date.

The twenty remaining prospective jurors, #1 through #35, are sworn as to their qualifications.

Upon direction of the Court twelve prospective jurors are called to fill the jury box, and all prospective jurors in the Jury Box with the exception of prospective juror #1, and other prosepctive jurors in the Courtroom are escorted by the bailiff to the Jury Room.

Voir dire examination of prospective jurors, #1, David Fessler conducted by the Court and Counsel.

Prospective Jurors #1, is admonished and excused to the Jury Room and prospective juror #2, Mrs. Anita L. Corsi is called to the Jury Box and examined on voir dire by the Court and Counsel. Pursuant to stipulation, Mrs. Corsi is excused for cause and Howard Dockerill, prospective juror #3, is called and examined on voir dire by the Court and Counsel.

At 12:00 noon all prospective jurors are returned to the Courtroom and are admonished by the Court and the Court declared the noon recess. At 1:35 P.M. Court reconvened. Defendant and counsel present.

Those prospective jurors who were directed by the Court to return at 1:30 P.M. are admonished by the Court and directed to return on Oct. 20, 1971, at 1:30 P.M. unless advised otherwise by the Court.

This cause came on regularly this day for trial by jury. Defendant and his counsel are present.

Upon roll call of prospective jurors, all answered to the call of their names except those who were heretofore excused by the Court.

Barbara Bidia, Annary Blaborn, Eugene Camozzi, Donald Chandler, Arnold Cole Ben Fowler, Brenda Graham, Pearl Groom, Ove Larson, Dorothy Pritchard, Asa Putnam, Alexander Reid, Sarah Stanek and Orville Stovall excused by the Court for cause and their names ordered out of the box.

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Those prospective jurors who were directed by the Court to return at 1:30 P.M. are admonished by the Court and directed to return on Oct. 20, 1971, at 1:30 P.M. unless advised otherwise by the Court.

By stipulation, Helen Dunlap is excused for cause. All prospective jurors with the exception of David Fessler, prospective juror #1, are excused from the courtroom. Further voir dire examination of Mr. Fessler by Mr. Miller.

By stipulation, Patsy Miller is excused for cause.

Howard Dockerill is returned to the jury box and voirdire examination conducted by the Court and Counsel. Mr. Dockerill is excused to the Jury Room and Mrs. Beatrice V. Atkinson is called and examined on voir dire by the Court and Counsel and is excused for cause.

Alvin Emley called and examined on voir dire by the Court and Counsel and is excused by stipulation.

Mrs. Maria Amaroli is called to fill the box and examined on voir dire by the Court and Counsel, is admoninhed and returned to the Jury Toom.

Mrs. Helen Cox is called and examined on voir dire by the Court and Counsel.

At 4:30 P.M. all prospective jurors are returned to the Courtroom, the Jury Box is filled with nine prospective jurors. All prospective jurors are admonished and excused to 10:00 A.M. on Oct. 20, 1971.

*THE DEFENSE STRATEGY:*

10-24-71

# Mafia Planned To Kill Baron

By BONY SALUDES

A crime-busting government attorney will reveal aspects of the intriguing subculture of the underworld at the murder trial in England informer Joseph Louisa Baron.

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. Baron, a reputed underworld enforcer turned-informer, is on trial for the July 7, 1970 slaying of Clay Wilson, a 28-year-old Santa Rosa heavy equipment operator.

Mr. Wilson's decomposed body — with two bullet holes in the skull — was found in a shallow, hornet-infested grave in Glen Ellen, near the Jack London Estates, on Oct. 12, 1970.

### Self-Defense

During last week's attempt to seat a jury panel, Mr. Miller repeatedly stated Mr. Baron will take the stand to admit he killed Mr. Wilson, but killed him while "exercising his inalienable right to self defense."

Both Mr. Miller and District Attorney Kiernan Byrnes have informed jurors Mr. Wilson and Mr. Baron were mixed up in "criminal activities" at the time of the slaying.

This and other courtroom disclosures tend to confirm reports the two men were deeply involved in the alleged attempt to convert into cash securities in $300,000 worth of stocks and bonds stolen in a residential burglary in Petaluma a couple years ago.

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.

### Protection

The reason is simple, Mr. Miller said. It was for Mr. Baron's protection against Mafiosos who have tried to kill him for turning State's evidence against his former underworld associates.

Mr. Baron's testimony was instrumental in convicting six men for the 1965 murder of Edward (Teddy) Deegan in a Chelsea, Mass., alley.

Four of them, Louis Grieco, Peabody, Mass.; Peter Limone, Medford, Mass.; Henry Tameleo, Cranston, R.I.; and Ronald Cassesso, Somerville, Mass., were sentenced to the electric chair.

Two others, Nancy Salvati, Boston, Mass., and Wilfred Roy French, Everett, Mass., got life sentences for murder.

In another trial, Mr. Baron's testimony aided in the conviction of reputed New England Mafia chief Raymond Patriarca of conspiracy to murder Willie Marfeo of Providence, R.I.

In a third trial, Gennaro Angiulo, an alleged Boston Mafia chief, was acquitted in spite of Mr. Baron's testimony.

Mr. Miller said Mr. Harrington, who has communicated with Mr. Baron in the past on gangland matters, will give details of Mr. Baron's cooperation with the Justice Department and explain why it was necessary, for the defendant's personal safety, for him to carry a gun.

### "Government Attorney"

The public defender has referred to Mr. Harrington in court only as a "government attorney." He has not mentioned him by name, but in answer to a reporter's question, he confirmed he was talking about Mr. Harrington.

Mr. Miller has disclosed to the jurors at this early stage "a

(Continued on Page 6A, Col. 5)

EXHIBIT 417

ENCLOSURE

1934

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 Edgar Hoover, Director
Federal Bureau of Investigation
United States Department of Justice
Washington, D.C.

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 two F.B.I. 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 F.B.I. 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.

Very truly yours,

Kiernan R Hyland

KIERNAN R. HYLAND
District Attorney

KRH:hn
Enclosure

ENCLOSURE

EX-101

REC-12

MCT-39 92-9828-33

11-4

18 OCT 28 1971

UNREC COPY AND COPY OF ENCL FILED IN 62-

EXP PROC.

OCT 28 1971

38

let ack to Mr. Kiernan R Hyland
CLG/mjf
11/3/71 let to Act. AAG Crim. Div.
11-3-71

EXHIBIT
418

*THE DEFENSE STRATEGY:*

10-24-71

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By BONY SALUDES

A crime-busting government attorney will reveal aspects of the intriguing subculture of the underworld at the murder trial of gangland informer Joseph Baron Baron.

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**"Government Attorney"**

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Mr. Miller has disclosed to the jurors at this time, Page M.

(Continued on Page 9A, Col. 5)

ENCLOSURE

1936

02/01/02 FRI 20:43 FAX

009

Office of the District Attorney
County of Sonoma
HALL OF JUSTICE
2588 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA 95401

KIERNAN R. HYLAND
DISTRICT ATTORNEY

JOHN W. HAWKES
ASSISTANT DISTRICT ATTORNEY

HARRINGTON

October 26, 1971

73A 1023
#77

John Mitchell, U.S. Attorney General
United States Department of Justice
Washington, D.C.

RECEIVED

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
KIERNAN R. HYLAND
District Attorney

KRH:hn
Enclosure

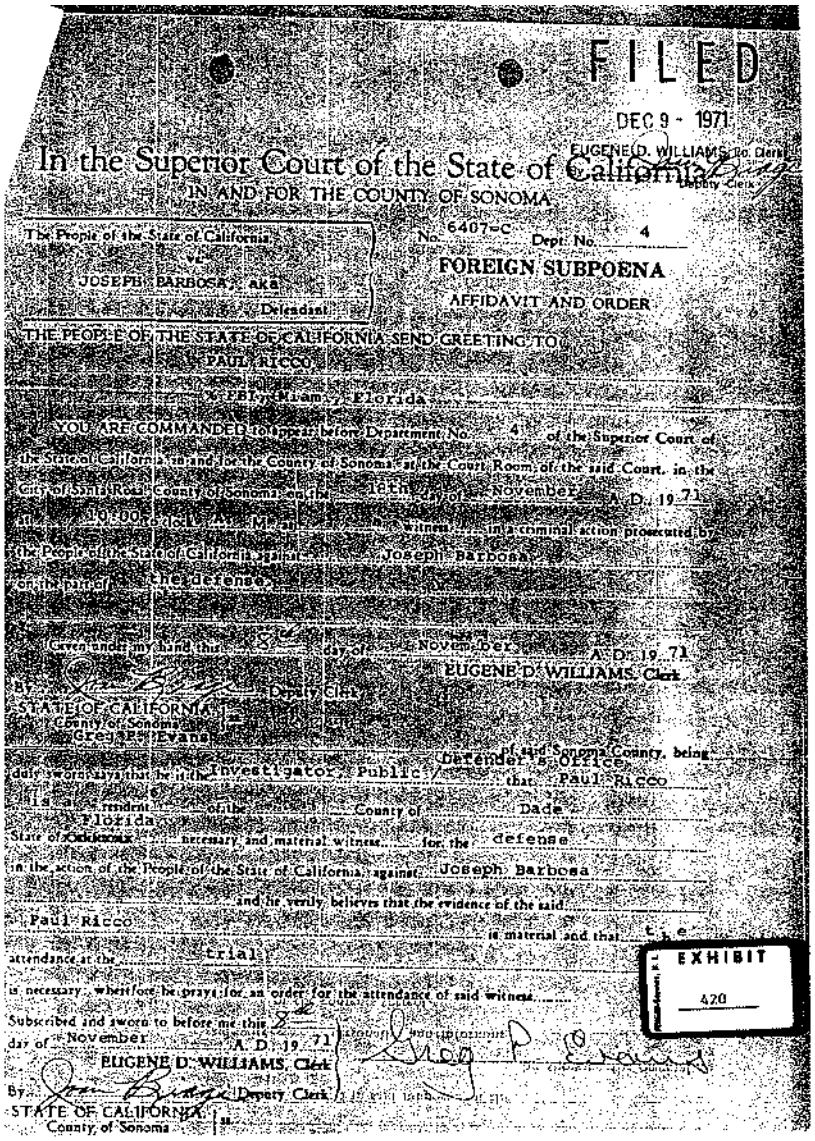
file
OTM/SM
2/13/76

123-66
DEPARTMENT OF JUSTICE
OCT 28 1971
CRIMINAL DIVISION
Organized Crime and Extortion

EXHIBIT
419

Set by machine 10/14/71
Washington

FBI/BOS-CRM-00007



FILED

DEC 9 - 1971

EUGENE D. WILLIAMS, Co. Clerk

In the Superior Court of the State of California

IN AND FOR THE COUNTY OF SONOMA

The People of the State of California, vs. JOSEPH BARBOSA, aka Defendant

No. 6407-C Dept. No. 4

FOREIGN SUBPOENA

AFFIDAVIT AND ORDER

THE PEOPLE OF THE STATE OF CALIFORNIA SEND GREETING TO

PAUL RICCO

FBI, Miami, Florida

YOU ARE COMMANDED to appear before Department No. 4 of the Superior Court of the State of California, in and for the County of Sonoma, at the Court Room of the said Court, in the City of Santa Rosa, County of Sonoma, on the 16th day of November A.D. 19 71 at the hour of 10:00 o'clock A.M. as a witness in a criminal action prosecuted by the People of the State of California against Joseph Barbosa, on the part of the defense.

Given under my hand this 8 day of November A.D. 19 71

EUGENE D. WILLIAMS, Clerk

By Deputy Clerk

STATE OF CALIFORNIA, County of Sonoma, ss.

Greg P. Evans being duly sworn says that he is the Investigator, Public Defender's Office of said Sonoma County, being that Paul Ricco

his resident of the County of Dade State of Florida necessary and material witness for the defense in the action of the People of the State of California against Joseph Barbosa and he verily believes that the evidence of the said Paul Ricco is material and that the attendance at the trial is necessary wherefore he prays for an order for the attendance of said witness.

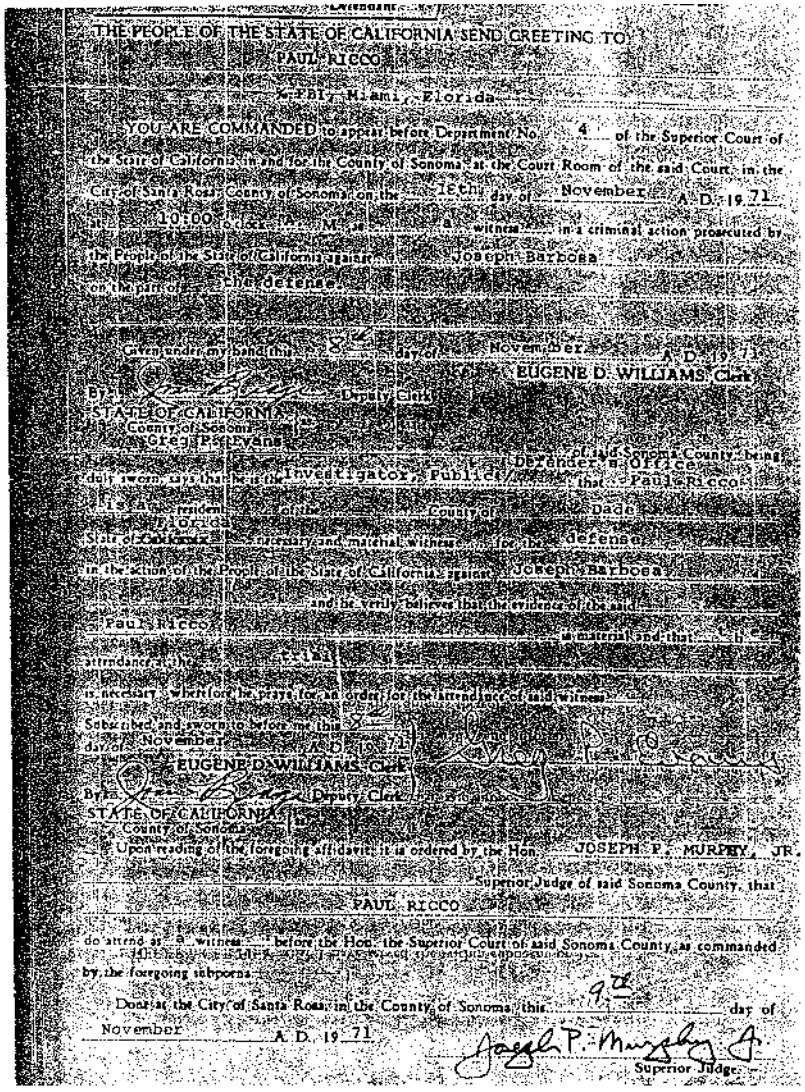
EXHIBIT 420

Subscribed and sworn to before me this 8 day of November A.D. 19 71

EUGENE D. WILLIAMS, Clerk

By Deputy Clerk

STATE OF CALIFORNIA, County of Sonoma, ss.



THE PEOPLE OF THE STATE OF CALIFORNIA SEND GREETING TO

PAUL RICCO

% FBI, Miami, Florida

YOU ARE COMMANDED to appear before Department No. 4 of the Superior Court of the State of California in and for the County of Sonoma at the Court Room of the said Court, in the City of Santa Rosa, County of Sonoma, on the 18th day of November A.D. 19 71 at 10:00 o'clock A. M. as a witness in a criminal action prosecuted by the People of the State of California against Joseph Barbosa on the part of the defense.

Given under my hand this 8 day of November A.D. 19 71

EUGENE D. WILLIAMS, Clerk

By [signature] Deputy Clerk

STATE OF CALIFORNIA
County of Sonoma

Greg P. Evans of said Sonoma County, being duly sworn, says that he is the Investigator, Public Defender's Office that Paul Ricco is a resident of the County of Dade State of Florida necessary and material witness for the defense in the action of the People of the State of California against Joseph Barbosa and he verily believes that the evidence of the said Paul Ricco is material and that he attendance at the trial is necessary, wherefore he prays for an order for the attendance of said witness.

Subscribed and sworn to before me this 8 day of November A.D. 19 71

EUGENE D. WILLIAMS, Clerk

By [signature] Deputy Clerk

STATE OF CALIFORNIA
County of Sonoma

Upon reading of the foregoing affidavit, it is ordered by the Hon. JOSEPH P. MURPHY, JR. Superior Judge of said Sonoma County, that PAUL RICCO do attend as a witness before the Hon. the Superior Court of said Sonoma County, as commanded by the foregoing subpoena.

Done at the City of Santa Rosa, in the County of Sonoma, this 9th day of November A.D. 19 71

Joseph P. Murphy Jr.
Superior Judge

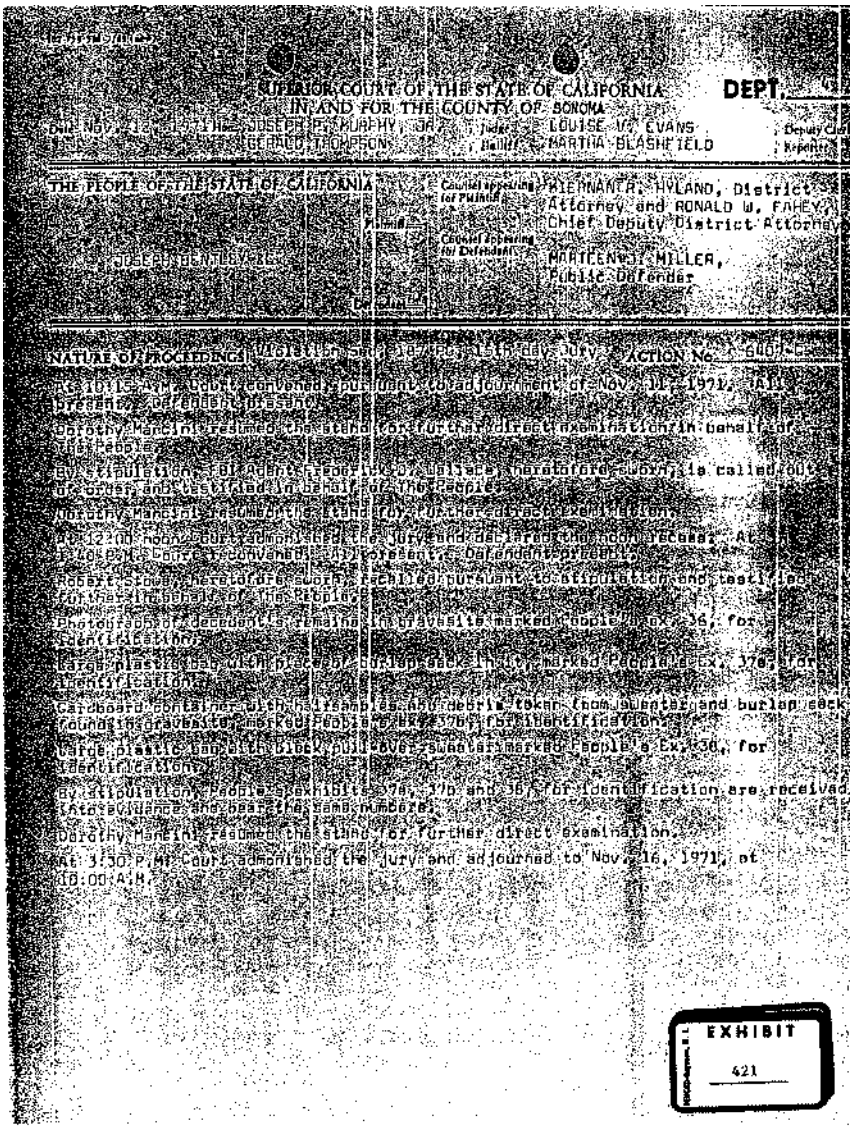
SHERIFF'S OFFICE }
County of _____ } ss.

I HEREBY CERTIFY, that I have served the within subpoena on the _____ day of _____ A. D., 19____. On _____ being _____ the witness named in said subpoena, at the _____ County of _____ by showing the original to _____ said witness personally, and informing _____ of the contents thereof.

Dated _____ 19____

_____ Sheriff of the _____ County of _____

By _____ Deputy Sheriff.



SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SONOMA

DEPT. 4

Date: Nov. 12, 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 — Counsel appearing for Plaintiff: KIERNAN R. HYLAND, District Attorney and RONALD W. FAHEY, Chief Deputy District Attorney

JOSEPH BENTLEY &c., Defendant — Counsel appearing for Defendant: MARTEEN J. MILLER, Public Defender

NATURE OF PROCEEDINGS: Violation Sec. 187 Pc. 15th day Jury. ACTION No. 6407-C

At 10:15 A.M. Court convened, pursuant to adjournment of Nov. 11, 1971. All present. Defendant present.

Dorothy Mancini resumed the stand for further direct examination in behalf of the People.

By stipulation, FBI Agent Frederick D. Wallace, heretofore sworn, is called out of order and testified in behalf of the People.

Dorothy Mancini resumed the stand for further direct examination.

At 12:00 noon Court admonished the jury and declared the noon recess. At 1:40 P.M. Court reconvened. All present. Defendant present.

Robert Stowe, heretofore sworn, recalled pursuant to stipulation and testified further in behalf of the People.

Photograph of decedent's remains in gravesite marked People's Ex. 36, for identification.

Large plastic bag with piece of burlap sack in it, marked People's Ex. 37a, for identification.

Cardboard container with hairsamples and debris token from sweater and burlap sack found in gravesite, marked People's Ex. 37b, for identification.

Large plastic bag with black pull-over sweater marked People's Ex. 38, for identification.

By stipulation, People's exhibits 37a, 37b and 38, for identification are received into evidence and bear the same numbers.

Dorothy Mancini resumed the stand for further direct examination.

At 3:30 P.M. Court admonished the jury and adjourned to Nov. 16, 1971, at 10:00 A.M.

EXHIBIT
421

02/01/02 FRI 20:43 FAX

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

# *Memorandum*

EPH:ded
73A 1023 #77

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.

EXHIBIT
422

FBI/BOS-CRM-000

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.

11/17/71

PLAINTEXT

TELETYPE NITEL

TO SACS BOSTON (92-1132)
MIAMI

FROM DIRECTOR FBI (92-9828)

JOSEPH BARON, AKA. AR

CONFIRMING BUTELCALL, NOVEMBER SEVENTEEN INSTANT.

SAS DENNIS M. CONDON, BOSTON, AND H. PAUL RICO, MIAMI, ARE TO COMPLY WITH SUBPOENAS RECEIVED FOR THEIR APPEARANCE AT MURDER TRIAL OF SUBJECT IN SONOMA COUNTY, SUPERIOR COURT, SANTA ROSA, CALIFORNIA. DEPARTMENT HAS COMMUNICATED WITH STRIKE FORCE ATTORNEY HARRINGTON IN THIS REGARD AND IN VIEW OF HARRINGTON ALSO APPEARING AS A WITNESS ANOTHER DEPARTMENT ATTORNEY WILL BE PRESENT IN COURT ROOM WITH AGENTS TO PROTECT THEIR INTERESTS.

EX-112 REC-22 92-9828-34

19 NOV 18 1971

NOTE: SAs Condon and Rico have received subpoenas from the Public Defender, representing Baron in murder trial. Baron was developed by SAs Condon and Rico as key witness against LCN "boss" Raymond Patriarca. Department's advice was requested and on 11/17/71, Attorney James Featherstone, Organized Crime Section of the Department advised SA T. J. Emery that Agents should respond to the subpoenas by appearing as requested. Department will confirm in writing.

Tolson
Felt
Rosen
Sullivan
Bishop
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Wendes
Bates
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

CLG:rar
(3)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 17 1971

TELETYPE

EXHIBIT
423

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SONOMA

DEPT. 4

Date: Nov. 18, 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

JOSEPH BENTLEY &C

Counsel appearing for Defendant: MARTEEN J. MILLER, Public Defender

Defendant

NATURE OF PROCEEDINGS: Violation Sec. 187 PC - 18th day Jury ACTION No. 6407-C

At 10:05 A.M. Court convened in the absence of the jury. Defendant present.

Motion by Mr. Miller that certain substance found at the gravesite be delivered to him for re-analysis. The Court directs that the substance which is contained in a vial and in the possession of Sheriff's Deputy Robert Stowe be delivered to Mr. Evans, the Public Defender's Investigator for analysis. Upon conclusion of analysis it shall be returned to Deputy Stowe.

The Court indicates that it will capsulize what happened at preliminary hearing re: granting of immunity to Mrs. Wilson.

At 10:15 A.M. the Jurors are returned to open Court. All present.

Dorothy Wilson resumed the stand for further re-direct examination.

At 10:20 A.M. the Court admonished the jury and excused them to the jury room. Court remained in session for legal discussion.

At 10:30 A.M. the Jurors are returned to the Courtroom. All present.

Dorothy Wilson resumed the stand for further re-direct examination.

Motion by Mr. Miller to re-open cross-examination, granted.

Pursuant to stipulation, Deputy Robert Stowe, heretofore sworn, recalled and testified further in behalf of The People.

Colored photograph of decedent's skull marked People's ex. 39, for identification.

Cardboard container, contents human hair, marked People's Ex. 40, for identification

Plastic bag with four glass slides marked People's Ex. 41, for identification.

.38 caliber revolver, marked People's Ex. 42, for identification.

People's exhibits 40, 41 and 42, for identification, allowed into evidence and bear the same numbers.

At 12:05 P.M. Court admonished the jury and declared the noon recess.
At 1:35 P.M. Court reconvened. All present. Defendant present.

Cortlandt Cunningham, heretofore sworn, called and testified in behalf of The People.

Stipulated by counsel that the holes in the skull of decedent were made by a .38 caliber revolver.

Oral stipulation heretofore entered into by counsel is read to the Jury by Mr. Hyland.

People's exhibits 32 and 33, for identification, allowed into evidence and bear the same numbers.

William R. Geraway sworn and testified in behalf of The People.

EXHIBIT 424

Defendant

NATURE OF PROCEEDINGS: Violation Sec. 187 PC - 18th day Jury ACTION No. 6407-C

At 10:05 A.M. Court convened in the absence of the jury. Defendant present.

Motion by Mr. Miller that certain substance found at the gravesite be delivered to him for re-analysis. The Court directs that the substance which is contained in a vial and in the possession of Sheriff's Deputy Robert Stowe be delivered to Mr. Evans, the Public Defender's Investigator for analysis. Upon conclusion of analysis it shall be returned to Deputy Stowe.

The Court indicates that it will capsulize what happened at preliminary hearing re: granting of immunity to Mrs. Wilson.

At 10:15 A.M. the Jurors are returned to open Court. All present.

Dorothy Wilson resumed the stand for further re-direct examination.

At 10:20 A.M. the Court admonished the jury and excused them to the jury room. Court remained in session for legal discussion.

At 10:30 A.M. the Jurors are returned to the Courtroom. All present.

Dorothy Wilson resumed the stand for further re-direct examination.

Motion by Mr. Miller to re-open cross-examination, granted.

Pursuant to stipulation, Deputy Robert Stowe, heretofore sworn, recalled and testified further in behalf of The People.

Colored photograph of decedent's skull marked People's ex. 39, for identification.

Cardboard container, contents human hair, marked People's Ex. 40, for identification

Plastic bag with four glass slides marked People's Ex. 41, for identification.

.38 caliber revolver, marked People's Ex. 42, for identification.

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Stipulated by counsel that the holes in the skull of decedent were made by a .38 caliber revolver.

Oral stipulation heretofore entered into by counsel is read to the Jury by Mr. Hyland.

People's exhibits 32 and 33, for identification, allowed into evidence and bear the same numbers.

William R. Gerawey sworn and testified in behalf of The People.

At 2:25 P.M. Court admonished the jury and excused them from the Courtroom. Court remained in session for legal discussion re: written document in possession of Mr. Fahey.

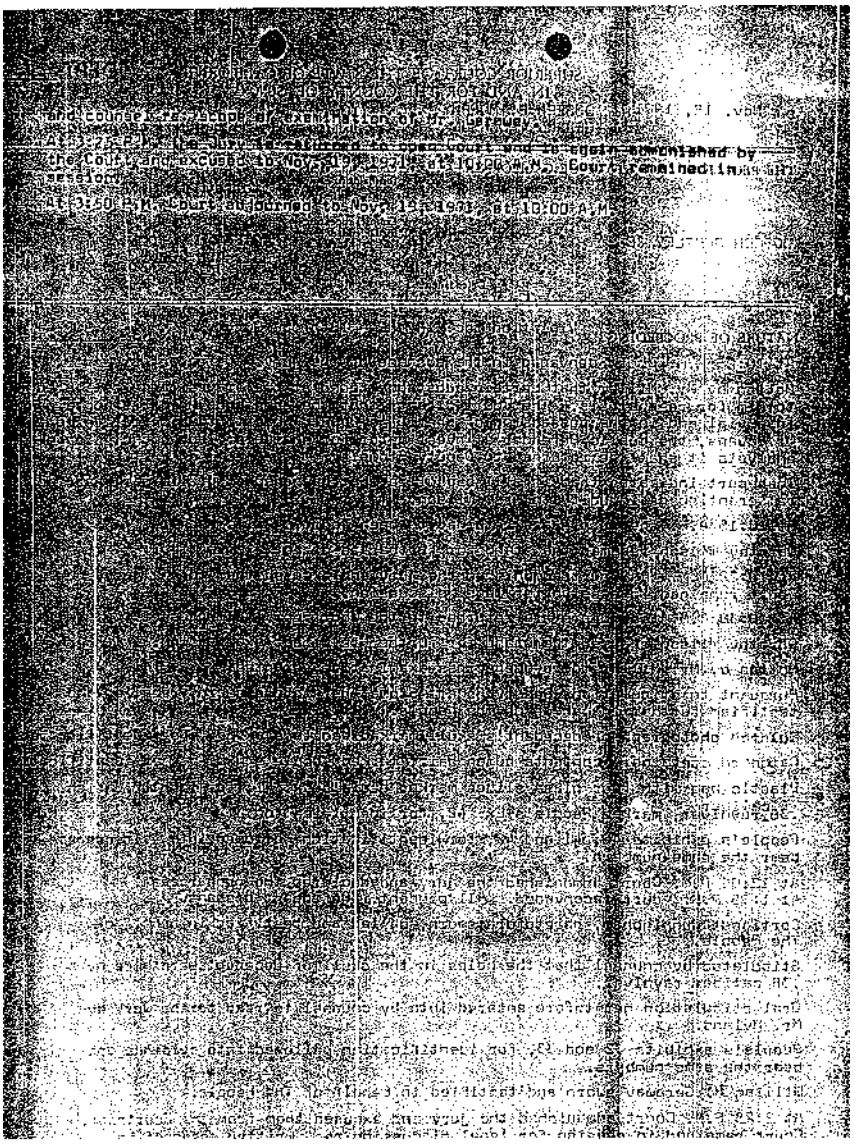
Poem written by Joseph Barboza Baron marked People's Ex. 43, for identification, and is read by Mr. Gerawey.

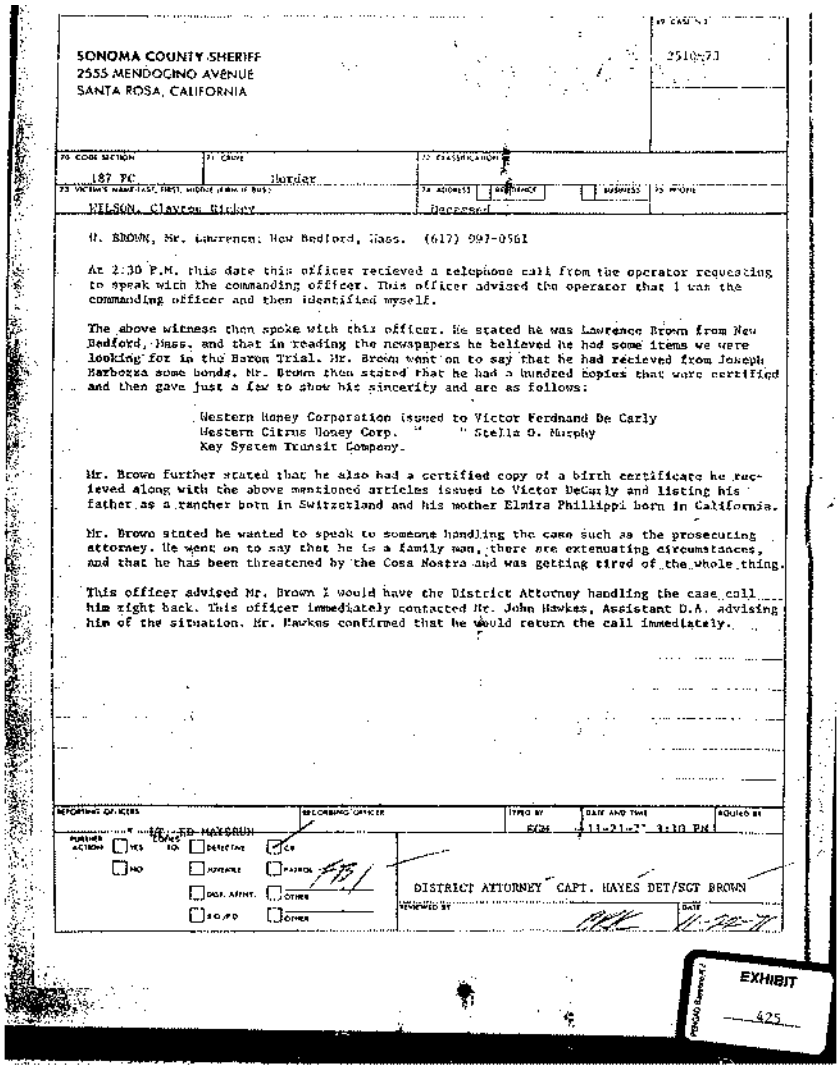
Stipulated by counsel that Mr. Gerawey is qualified to recognize Joe Baron's handwriting.

At 2:50 P.M. Court admonished the jury and declared a recess. At 3:05 P.M. Court reconvened in the absence of the jury. Legal discussion between Court

(over)

1947





SONOMA COUNTY SHERIFF
2555 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA

49 CASE NO. 2510-73

70 CODE SECTION: 187 PC
71 CRIME: Border
72 CLASSIFICATION:
73 VICTIM'S NAME (LAST, FIRST, MIDDLE, FIRM IF BUS): WILSON, Clayton Rickey
74 ADDRESS: Deceased
75 PHONE:

W. BROWN, Mr. Lawrence; New Bedford, Mass. (617) 997-0561

At 2:30 P.M. this date this officer recieved a telephone call from the operator requesting to speak with the commanding officer. This officer advised the operator that I was the commanding officer and then identified myself.

The above witness then spoke with this officer. He stated he was Lawrence Brown from New Bedford, Mass. and that in reading the newspapers he believed he had some items we were looking for in the Baron Trial. Mr. Brown went on to say that he had recieved from Joseph Barbozza some bonds. Mr. Brown then stated that he had a hundred copies that were certified and then gave just a few to show his sincerity and are as follows:

Western Honey Corporation issued to Victor Ferdnand De Carly
Western Citrus Honey Corp. " " Stella O. Murphy
Key System Transit Company.

Mr. Brown further stated that he also had a certified copy of a birth certificate he recieved along with the above mentioned articles issued to Victor DeCarly and listing his father as a rancher born in Switzerland and his mother Elmira Phillippi born in California.

Mr. Brown stated he wanted to speak to someone handling the case such as the prosecuting attorney. He went on to say that he is a family man, there are extenuating circumstances, and that he has been threatened by the Cosa Nostra and was getting tired of the whole thing.

This officer advised Mr. Brown I would have the District Attorney handling the case call him right back. This officer immediately contacted Mr. John Hawkes, Assistant D.A. advising him of the situation. Mr. Hawkes confirmed that he would return the call immediately.

REPORTING OFFICERS: LT. ED MAYBRUN
RECORDING OFFICER:
TYPED BY: SGM
DATE AND TIME: 11-21-77 3:10 PM
ROUTED BY:

FURTHER ACTION: YES / NO
TO: DETECTIVE / JUVENILE / DIST. ATTNT. / S.O./P.D. / CR / PATROL / OTHER / OTHER

DISTRICT ATTORNEY CAPT. HAYES DET/SGT BROWN

REVIEWED BY:
DATE: 11-22-77

EXHIBIT 425

02/01/02 FRI 20:42 FAX

Form DJ-156
(M. 4-26-65)

UNITED STATES GOVERNMENT

# *Memorandum*

DEPARTMENT OF JUSTICE

73A 1623
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.

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

123-66
DEPARTMENT OF JUSTICE
DEC 1 1971
ORGANIZED CRIME
CRIMINAL DIVISION
Organized Crime and Racketeering

EXHIBIT
426

FBI/BOS-CRM-0008

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 Gereway's reputation in the Massachusetts community for truth and veracity. Gereway, 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.

[redacted]

documents, being a series of Stock Certificates and Birth Certificate and Baptismal Record, were marked People's Exhibits Nos. 47 through 54 for identification.)

THE COURT: All right. This is the witness.

- - -

LAWRENCE P. HUGHES,

called as a witness in behalf of the People, after being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. FAHEY:

Q If you will have a seat, Mr. Hughes, and if you will just bear with me just a moment while I have these documents marked for identification.

THE CLERK: What do I call it?

THE COURT: I wouldn't worry too much about identifying them for your notes at the moment, Irene. Just put numbers on them and go ahead.

BY MR. FAHEY:

Q Now for the record, would you state your full name and occupation, please?

A Lawrence P. Hughes. I'm a head waiter.

Q And where do you presently reside, Mr. Hughes?

A In New Bedford, Massachusetts.

Q And how long have you resided in that community?

A I was born and raised there. I left in 1947 after the war and went to New York and Miami and worked in the capacity of a waiter or head waiter and returned --

EXHIBIT 427

THE COURT: Excuse me. Okay. Would you read back the witness's answer thus far and the microphone doesn't work too well. Will you consciously try to keep your voice up so those ladies and gentlemen can hear you.

Would you read the answer thus far.

(Answer read by Reporter.)

THE WITNESS: Returned in 1962.

BY MR. FAHEY:

Q To New Bedford?

A To New Bedford.

Q I'm going to direct your attention to the year 1970. Were you living in New Bedford in that time?

A Yes, I was.

Q Now, Mr. Hughes, I ask you to look at counsel table here to my left. Do you recognize anyone at that counsel table?

A Yes, I do.

Q Would you indicate who you recognize?

A Joseph Barboza.

MR. MILLER: I'll stipulate he knows -- recognizes the defendant.

THE COURT: All right. The record will so show.

BY MR. FAHEY:

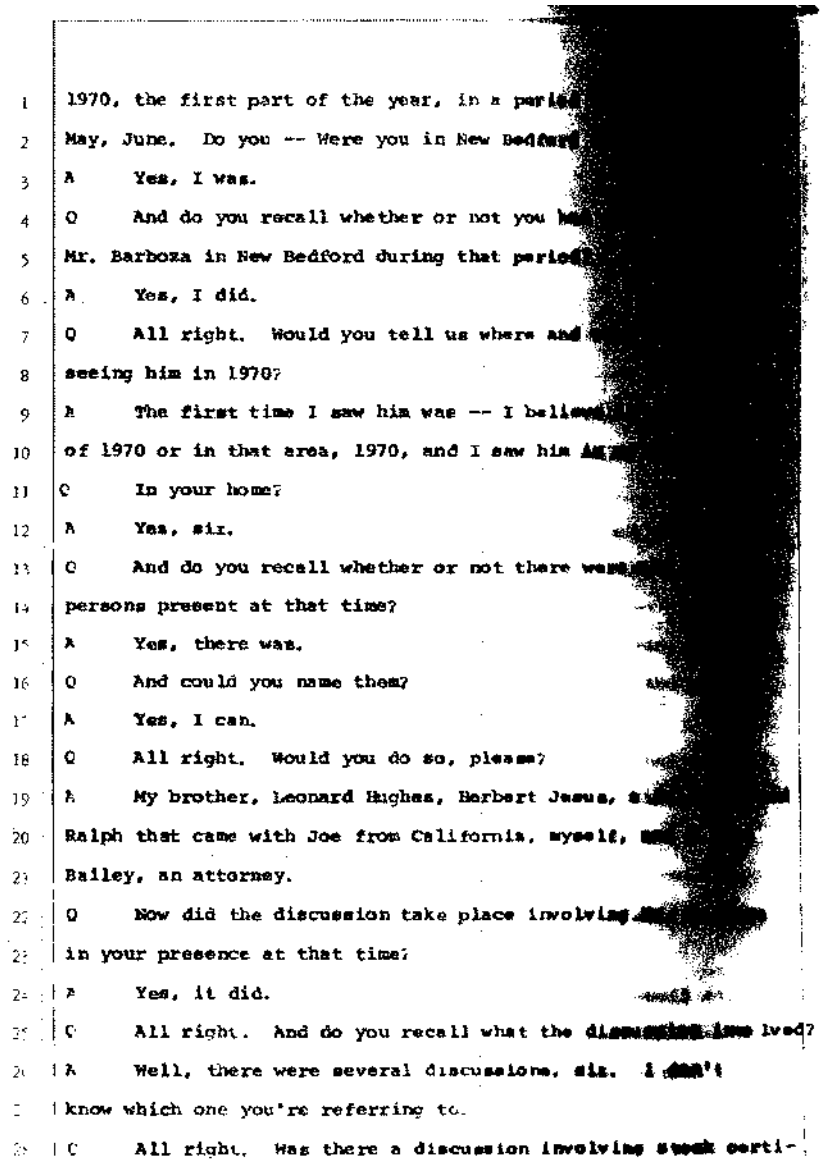
Q And how long have you known Mr. Barboza, Mr. Hughes?

A Approximately 1962 or '63.

Q And where did you have occasion to meet him?

A At a restaurant that I owned on Purchase Street in New Bedford.

Q Now I'm going to direct your attention to 1970 , the year



1970, the first part of the year, in a peri
May, June. Do you -- Were you in New Bed
A Yes, I was.
Q And do you recall whether or not you h
Mr. Barboza in New Bedford during that perio
A Yes, I did.
Q All right. Would you tell us where and
seeing him in 1970?
A The first time I saw him was -- I belie
of 1970 or in that area, 1970, and I saw him
Q In your home?
A Yes, sir.
Q And do you recall whether or not there wa
persons present at that time?
A Yes, there was.
Q And could you name them?
A Yes, I can.
Q All right. Would you do so, please?
A My brother, Leonard Hughes, Herbert Jesus,
Ralph that came with Joe from California, myself,
Bailey, an attorney.
Q Now did the discussion take place involvi
in your presence at that time?
A Yes, it did.
Q All right. And do you recall what the di
A Well, there were several discussions, sir. I
know which one you're referring to.
Q All right. Was there a discussion involving stock certi-

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

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?

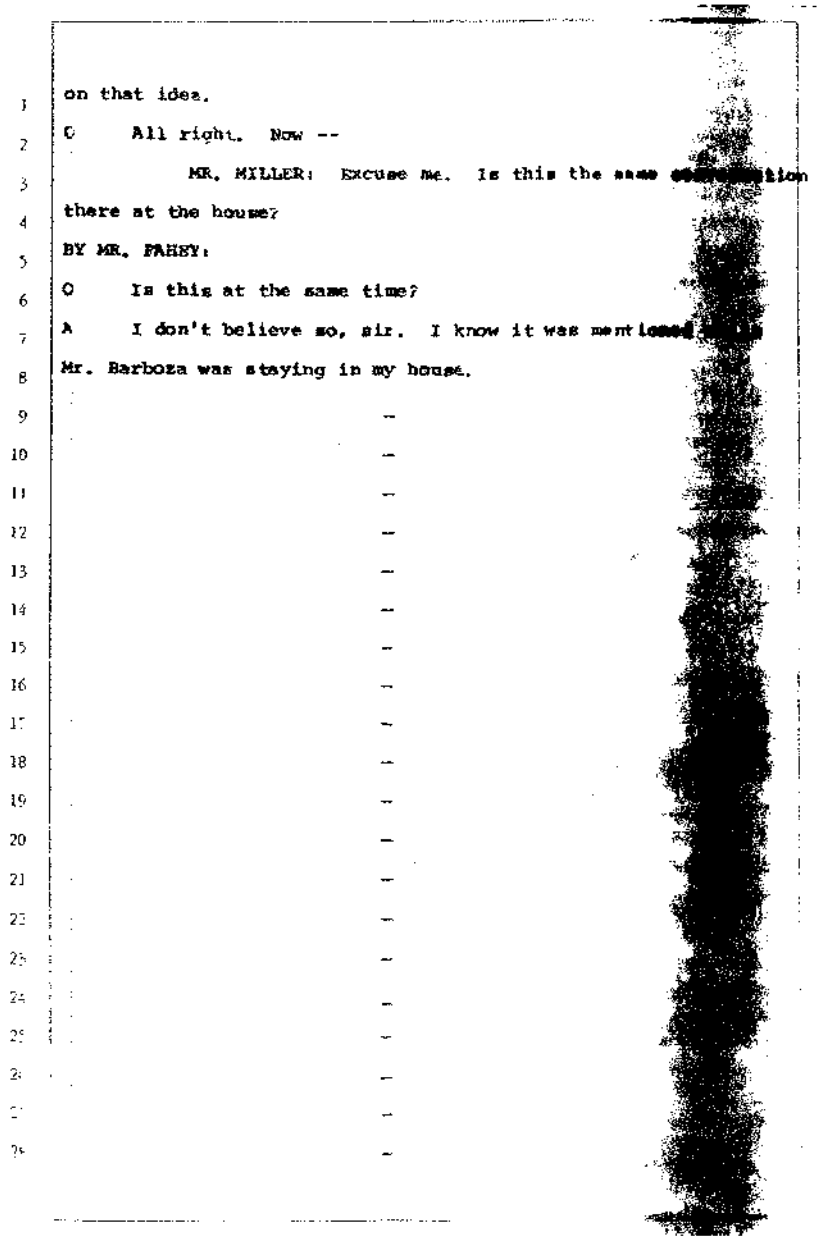
A Yeah, there was a man mentioned by the name of Clay.

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 [illegible]tion 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 men[illegible] 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 general 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] 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. FAHEY: 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

COMMUNICATIONS SECTION

DEC 2 1971

TELETYPE

NR 008 SF PLAIN

3:20 PM URGENT 12/2/71 MCC

TO DIRECTOR (92-9828)

BOSTON (92-1132)

FROM SAN FRANCISCO (92-2061) (P) 4P

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, E.S.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

JOSEPH BARON, AKA. AR.

RE BOSTON TEL TO BUREAU AND SAN FRANCISCO, NOVEMBER TWENTYFOUR LAST, ENTITLED "JOSEPH BARON, AKA; ET AL; UNSUB, AKA VICTOR L. DJ CARLI, VICTOR DI CARL, ITSP, OO NEW YORK."

ON DECEMBER ONE LAST, SAS DENNIS M. CONDON, BOSTON OFFICE, AND H. PAUL RICO, MIAMI OFFICE, WITH ATTORNEY EDWARD F. HARRINGTON, BOSTON STRIKE FORCE, WERE INTERVIEWED BY DISTRICT ATTORNEY KERNAN HYLAND, SONOMA COUNTY, CALIF., AND MEMBERS OF HIS STAFF REGARDING THEIR POSSIBLE TESTIMONY ON THE CASE OF STATE OF CALIFORNIA VS. BARON. DISTRICT ATTORNEY ADVISED THAT STATE HAD NOT RESTED, AS HE CALLED AN UNEXPECTED SURPRISE WITNESS, LAWRENCE HUGHES OF NEW BEDFORD, MASSACHUSETTS. HYLAND ADVISED THAT HUGHES TESTIFIED THAT IN JULY, NINETEEN SEVENTY, 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

END PAGE ONE

EXHIBIT 428

SLEPT WITH WILSON'S WIFE ONE HOUR AFTER HE HAD KILLED WILSON. HYLAND INDICATED THAT THE SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE HAD BEEN TOLD THIS IN MARCH OF NINETEEN SEVENTYONE AND IMPLIED THAT HUGHES ALSO TOLD THE FBI THAT BARON HAD POSSESSION OF THE AFOREMENTIONED BONDS.

REFERENCED TELETYPE SETS FORTH INFORMATION PROVIDED BY HUGHES TO THE FBI AT THE TIME OF THIS INTERVIEW ON NOVEMBER TWENTYFOUR LAST, 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 NINETEEN SEVENTY, AND HAD NOT MADE ANY STATEMENTS RE ANY KNOWLEDGE OF BARON'S INVOLVEMENT IN CALIFORNIA HOMICIDE.

AS THE BUREAU IS AWARE, HUGHES, AFTER HIS CONTACT WITH THE FBI IN SEPTEMBER OF NINETEEN SEVENTY, 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

END PAGE TWO

DECLASSIFIED

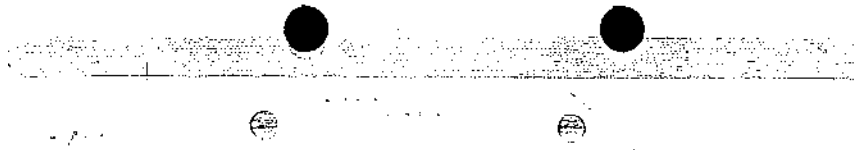
DEEGAN MURDER CASE IN WHICH BARON HAD TESTIFIED. HUGHES WAS MAINTAINED BY THE SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE FROM SEPTEMBER, NINETEEN SEVENTY THROUGH APRIL NINETEEN SEVENTYONE, IN ORDER TO BE AVAILABLE IN THE EVENT A HEARING ON A MOTION FOR A NEW TRIAL IN THE DEEGAN CASE WAS HELD.

DISTRICT ATTORNEY HYLAND STATED 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 AND INSTIGATED TO FURNISH FALSE TESTIMONY.

IN INTERVIEW OF SAS CONDON, RICO, AND STRIKE FORCE ATTORNEY HARRINGTON BY PUBLIC DEFENDER, HE REQUESTED THE RESULTS OF THE FBI INTERVIEW IN SEPTEMBER NINETEEN SEVENTY, 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 TWENTYTHREE, NINETEEN SEVENTY, HE INTERVIEWED LAWRENCE HUGHES WITH SA DAVID DIVAN.

END PAGE THREE





AT THIS TIME HUGHES TOLD HIM ABOUT THE ALLEGED MEETING BETWEEN BAILEY AND BARON IN JULY, NINETEEN SEVENTY, AT WHICH TIME THE FIGURE OF FIVE HUNDRED THOUSAND DOLLARS 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 NINETEEN SEVENTY. 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.

COPY OF FD THREE ZERO TWO OF INTERVIEW OF HUGHES ON SEPTEMBER TWENTYTHREE NINETEEN SEVENTY, IN POSSESSION OF SUPERVISOR THOMAS EMORY, FBI HEADQUARTERS.

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 OF NINETEEN SEVENTY AND NEVER RECEIVED ANY INFORMATION FROM HUGHES RELATIVE TO BARON'S ALLEGED ADMISSION OF INVOLVEMENT IN CALIFORNIA MURDER.

BUREAU WILL BE KEPT ADVISED.

END

TMT FBI WA

CC: MR CLEVELAND

THE BARON MURDER TRIAL DEC 2 1971

# A Surprise Witness, a Meeting in Mas

By BONY SALUDES

The prosecution was prepared rest its case against Joseph arbota Baron today after calling a surprise witness yesterday om the defendant's hometown New Bedford, Mass.

Lawrence P. Hughes, a bend iter and nine-year acquaintnce of Mr. Baron, described a eeting at his home in which Mr. Baron discussed the disposion of a quarter million dollars stocks and bonds.

Mr. Hughes produced photoatic copies of some of those se-

rities — which turned out to the stocks and bonds stolen Petaluma from the family ner of Victor DeCarli in 1969. The prosecution contends Mr. aron murdered Clay Wilson in ly of 1970 in a dispute over e DeCarli securities.

Mr. Hughes testified he had assession of the securities in arch of this year. He said he ot them from his brother, eonard Hughes, who in turn ad gotten them from Mr. Bar- during a visit Mr. Baron ade to New Bedford in April May of 1970.

He said before he gave them ack to his brother, he made hotostatic copies of the securies at the request of a Boston olice investigator, John Doyle.

Mr. Hughes produced in court ely three photo copies of DeCarli stock certificates and said

turned another 30 photo copies over to an FBI agent last ednesday.

Before calling Mr. Hughes to e stand, District Attorney Jordan Hyland explained to the court the prosecution became

Mr. Hughes, Mr. Hyland said, called the Sonoma County sheriff's office on Nov. 22 after he read about the case and the stolen bonds in an East Coast newspaper.

The sheriff's office, he said, contacted the FBI, who took a statement from Mr. Hughes and forwarded here.

### Flown to SR

Mr. Hyland said Mr. Hughes was flown to Santa Rosa on Tuesday for an interview and it wasn't until yesterday morning that it was decided to call him as a witness.

Public Defender Marteen Miller made a bid to suppress the testimony on grounds the district attorney hadn't informed the defense of Mr. Hughes when he first made contact with authorities here, but the judge denied the motion.

Mr. Hughes, a man in his late 40's, testified he first met Mr. Baron, whom he referred to as Joseph Barbora, in 1962 or 1963 in a New Bedford restaurant.

He said he saw Mr. Baron in the spring of last year when the defendant visited New Bedford and "stayed at my home."

### Tells of Meeting

Mr. Hughes recalled a meeting at his home in late April or early May of 1970 in which several men were present including himself, his brother, Leonard, Mr. Baron, Herbert Jesus, a man named Ralph, and attorney F. Lee Bailey.

During that meeting, he said, he sat in on a discussion between Mr. Baron and his brother. They were talking about some bonds, which Mr. Baron referred to as "papers," he said.

Mr. Hughes implied that Mr. Baron had made arrangements for Leonard Hughes to convert the bonds into cash and he hadn't done so.

There has been earlier testimony that Clay Wilson had given the stolen securities to Mr. Baron because Mr. Baron had said he had connections in the East Coast to convert the securities.

Mr. Baron, Mr. Hughes said, "told my brother to get on them, to move them, that there was a lot of money involved."

Later, he said, they went to the home of a newspaper reporter, identified as James Southwood, to "expedite the papers."

He said Mr. Baron and Leonard Hughes went to see Mr. Southwood to get the securities, but they didn't get them at that time, but his brother got them later—in June of last year.

(Reporter Southwood reportedly had rapport with Mr. Baron and at one time was collaborating with the defendant in authoring a biography of Mr. Baron).

Mr. Hughes said some other documents, including Victor DeCarli's birth certificate, were among the papers which his brother asked him to hold for him in March.

He produced a photocopy of the birth certificate in court yesterday as well as a photocopy of a baptism certificate of a 72-year-old Petaluma woman, Elmira Filippini, which showed she was baptized in St. Vincent's Church, Petaluma, in 1905.

Chief Deputy District Attor-

The witness said he had and called him a "wise guy and that he had to be straightened out."

Mr. Hughes testified he saw Mr. Baron again the day before Mr. Baron was arrested in New Bedford on a gun charge on July 17, 1970.

He said he saw him once at "my home" and at a cottage which Leonard had secured for him in a suburb of New Bedford.

### Unforgettable

Mr. Baron, he said, made a statement which "I'll never forget."

He testified Mr. Baron told him he had had an act of sexual intercourse with Clay Wilson's wife an hour after he "buried him in the ground."

Clay's wife, Dee Mancini Wilson, testified earlier she did not see Mr. Baron after the shooting nor did she have any contact with him until several days later at Howarth Park.

Mr. Hughes, whose background is still a mystery, was to resume the stand today under cross-examination.

Mr. Hyland said Mr. Hughes is the final prosecution witness and that he would rest his case as soon as Mr. Hughes gets off the stand.

Mr. Miller said he would not be prepared to begin Mr. Baron's defense until tomorrow.

### Woman's Testimony

Mr. Hughes was called after Paulette Ramos, a 20-year-old Rio Nido girl who said she witnessed the slaying, completed her cross-examination.

Miss Ramos denied implications by Mr. Miller that she, Mrs. Wilson and Mr. Baron, at Mrs. Wilson's suggestion, drove 20 miles to find a burial spot for Clay after he was slain.

She denied that the three of them drove 20 miles to find a burial spot where the dirt was "softer," that it began to get light, so they returned to the spot where Clay's body was ultimately buried.

She also denied that Mr. Baron had said he was not going to bury the body and that Mrs. Wilson said, "She has to be buried or it's really going to mess me up."

Miss Ramos also denied any "romantic attachment" between herself and Mr. Baron, nor between Mrs. Wilson and Mr. Baron.

Mr. Miller continued to point out prior inconsistent statements the witness made and got her to re-affirm she lied to authorities when the case first broke.

After denying on the stand that he had, Miss Ramos finally admitted that she had discussed the slaying with Mrs. Wilson about the time Clay's body was discovered.

She said she had talked to Mrs. Wilson at the Montecito Shopping Center parking lot, but hadn't mentioned it before because "I'd forgotten about that."

Mr. Miller asked her if Mrs. Wilson told her what to tell the authorities.

"Yes," Miss Ramos replied. "We were both lying then."

She added, "At that time we decided to make it look like it didn't have anything to do with it."

On re-direct examination by Mr. Bailey, Miss Ramos reaffirmed she lied to authorities at first, but finally told them the truth a day later and went out to show them where the shooting took place.

"Have you to the best of your knowledge told us the truth here," Mr. Bailey asked.

"Yes," Miss Ramos replied.

1966

# U. S.-Mafia Battle Shows in Baron Trial

(Continued from Page 1)

a Chelsea, Mass., alley in 5.

n another trial, his testimony led in the conviction of New ngland Mafia chieftain Ray- nd Patriarca for conspiracy murder Willie Marfeo of Prov- nce, R.I.

Mr. Hughes said he over- ard Mr. Baron say that three the four met now in Death w for the Deegan murder houldn't be there."

His brother, Leonard Hughes, o was mixed up with the afia in some way, wanted him sign an affidavit to that ef- t, Mr. Hughes said, but he fused. He didn't give a reason ly.

### Who Contacted Whom?

Mr. Hughes contended that st year Mr. Baron contacted e East Coast Mafia and of- red to recant his testimony—a ave that would set the convict- murderers free—if they'd y him $500,000.

(This contradicted reports at it was the Mafia that ap- oached Mr. Baron with the of- r of a $500,000 bribe.)

Mr. Hughes insisted it was r. Baron who contacted the afia with the offer.

This, he said, was done in a eeting in the woods and later ast Coast attorney F. Lee Bai- y got involved and was esent at a meeting at his ughes) home when the offer gain was discussed.

Mr. Hughes contended Bailey anted no part in the handling the money and told Mr. Bar- he should pick out a person

(In August of last year, Mr. Bailey represented Mr. Baron when Mr. Baron announced he wanted to recant his testimony and said he would take a lie detector test.

(But upon hearing of the plan, the Justice Department interceded, talked to Mr. Baron and Mr. Baron then announced that his original testimony would stand.)

### 'Threat on Life'

Mr. Hughes said he informed to government officials about the $500,000 offer and he was placed in "protective custody" for several months after the "Mafia threatened my life."

He said an agreement was worked out where he would be a government witness in the event Mr. Baron elected to change his testimony.

Mr. Hughes testified he was sent to Houston, Texas, where he received $125 a week for living expenses from the district attorney in Boston. He said the agreement guaranteed him a new identity, a job and the eventual reunion with his wife and three-year-old daughter.

He said he was met in Houston by two FBI agents in January and put up in a Holiday Inn. But things started to turn sour for him soon afterward.

The head waiter job they had "arranged" for him turned out to be that of a bus boy, which he said was an insult to him and he refused the job.

Eventually, he said, the $125 was cut off and he had to move to the YMCA.

### "U.S. Forsake Me"

He contended he was completely forsaken by the government when in March Mr. Baron was transferred from Boston to the Santa Rosa jail to stand trial for the Clay Wilson slaying.

Mr. Hughes said the government returned him to New Bedford "after I raised so much hell."

Turning specifically to the Wilson case, Mr. Hughes said Mr. Baron first mentioned Clay in the spring in 1970 when Mr. Baron said Clay was "a wise guy and when he (Mr. Baron) got back to California he was going to have to straighten him out."

Mr. Hughes said, however, he did not consider Mr. Baron's statement as declaration that the defendant was going to kill Clay.

The only indication he received after that that something happened to Clay was when Mr. Baron told him he'd had an act of intercourse with Clay's wife an "hour after he buried him in the ground."

Mr. Hughes earlier testified his brother, Leonard Hughes, and Mr. Baron in the spring of 1970 were conspiring to convert $300,000 worth of securities stolen in a 1969 burglary at the family home of Victor DeCarli in Petaluma.

He disclosed the last person he knew of who had possession of those securities was a man in Massachusetts whom he identified as Frank Davis, who had a salvage business.

Mr. Hughes said Mr. Davis was to take part in converting the securities.

He said he does not now know what has become of the securities.

(Mr. DeCarli testified earlier he was aware attempts were made to convert the securities in New York by a man assuming his identity and that as far as he knows none of the securities has ever been recovered).

Mr. Hughes said sometime before Mr. Davis ended up with the securities, his brother, Leonard, had given them to him (Mr. Hughes) for safekeeping.

### Photocopies

Mr. Hughes said he made photocopies of them before returning them to his brother.

When his brother asked him what he had done with the photocopies, he told him he had destroyed them, he said.

He said, however, that he in fact had kept the photocopies and turned the majority of them over to an FBI agent last week.

He kept three which he produced in court on Wednesday.

Mr. Hughes recalled his brother told him a man, identified as Genarro Anguilo, wanted the photocopies, "that they were very important."

Mr. Miller asked Mr. Hughes if he knew in fact that Anguilo was now the head of the New England Mafia. But before he could answer, Mr. Fahey lodged an objection which was sustained by the judge.

### Bribe Reported

An earlier witness, convicted murderer William Geraway, who gave information leading to the discovery of Clay's body and implicating Mr. Baron, testified Anguilo was one of several Mafiosos who bribed him while he was in Walpole State Penitentiary.

Geraway said he was bribed to say that Mr. Baron had told him he lied and framed some of the gangland figures in the Deegan murder case.

Geraway said Anguilo didn't want his testimony to benefit Patriarca, the East Coast Mafia chieftain.

The combined testimony of Mr. Hughes and Geraway implied an internal struggle for the leadership of the East Coast Mafia.

### U.S. Protection?

In a brief interview with a Press Democrat reporter yesterday, Mr. Hughes confirmed what he implied several times in court — that the Justice Department is protecting Mr. Baron.

In court, he repeatedly accused the Justice Department of feeding Mr. Miller information and documents which originally were intended for the prosecution. (Geraway made the same accusation).

Mr. Hughes told The Press Democrat the Justice Department is protecting Mr. Baron so he will maintain the testimony he gave at the Deegan murder trial.

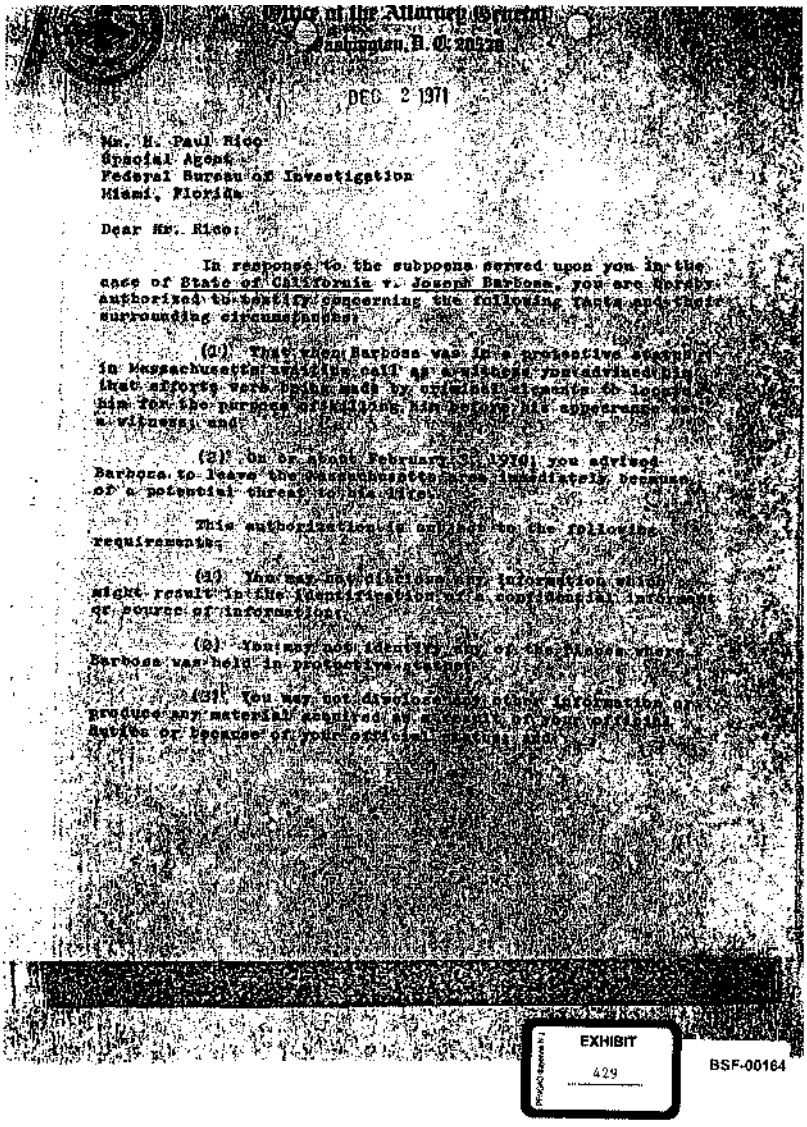
He contended the protection also is to show "good faith" so that other government witnesses, who have turned informant since Mr. Baron, will feel secure and count on the government's support should they find themselves in a dilemma.

Mr. Miller has announced he intends to call as a witness for Mr. Baron, Edward Francis Harrington, a crime-fighting attorney who is head of the Justice Department's organized crime task force in the East Coast.

Mr. Harrington has visited Mr. Baron at the county jail twice since the defendant was extradited from Massachusetts.

1967

1968



Office of the Attorney General
Washington, D. C. 20530

DEC 2 1971

Mr. H. Paul Rico
Special Agent
Federal Bureau of Investigation
Miami, Florida

Dear Mr. Rico:

In response to the subpoena served upon you in the case of State of California v. Joseph Barbosa, you are hereby authorized to testify concerning the following facts and their surrounding circumstances:

(1) That when Barbosa 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 Barbosa 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;

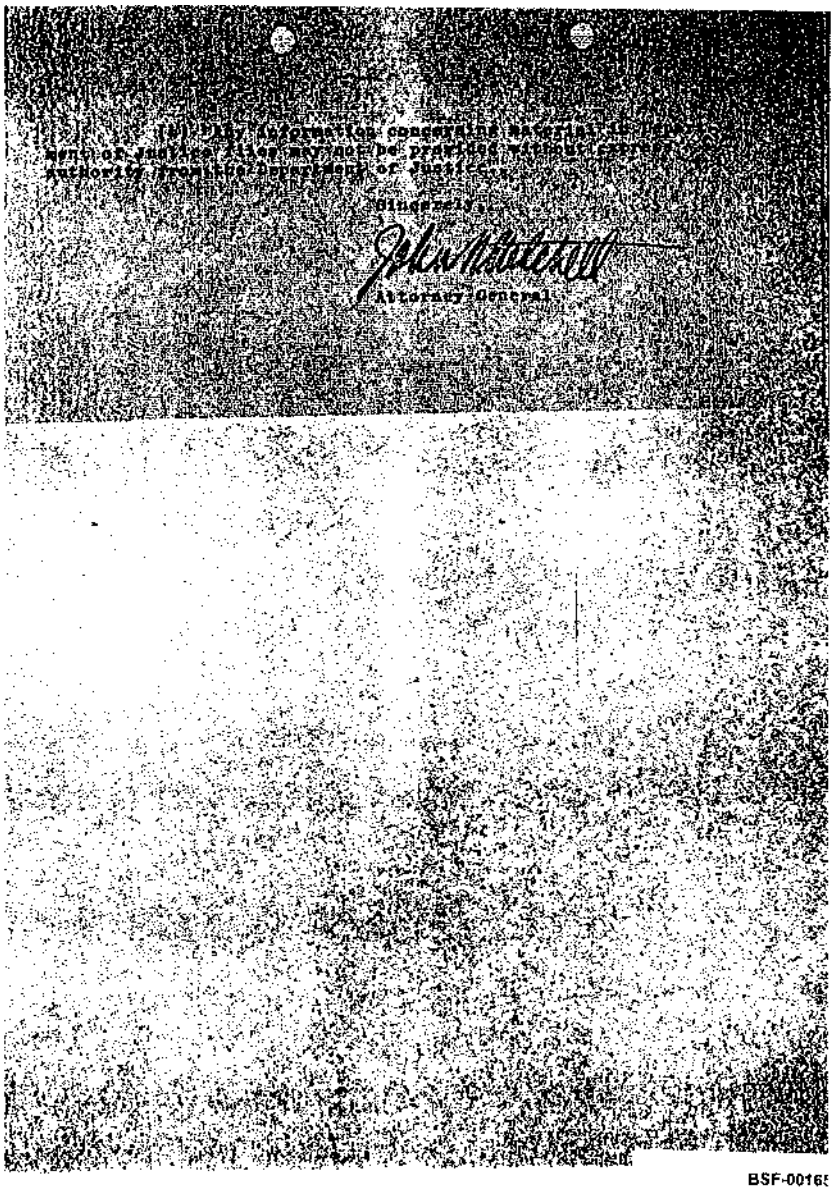
(2) You may not identify any of the places where Barbosa was held in protective custody;

(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

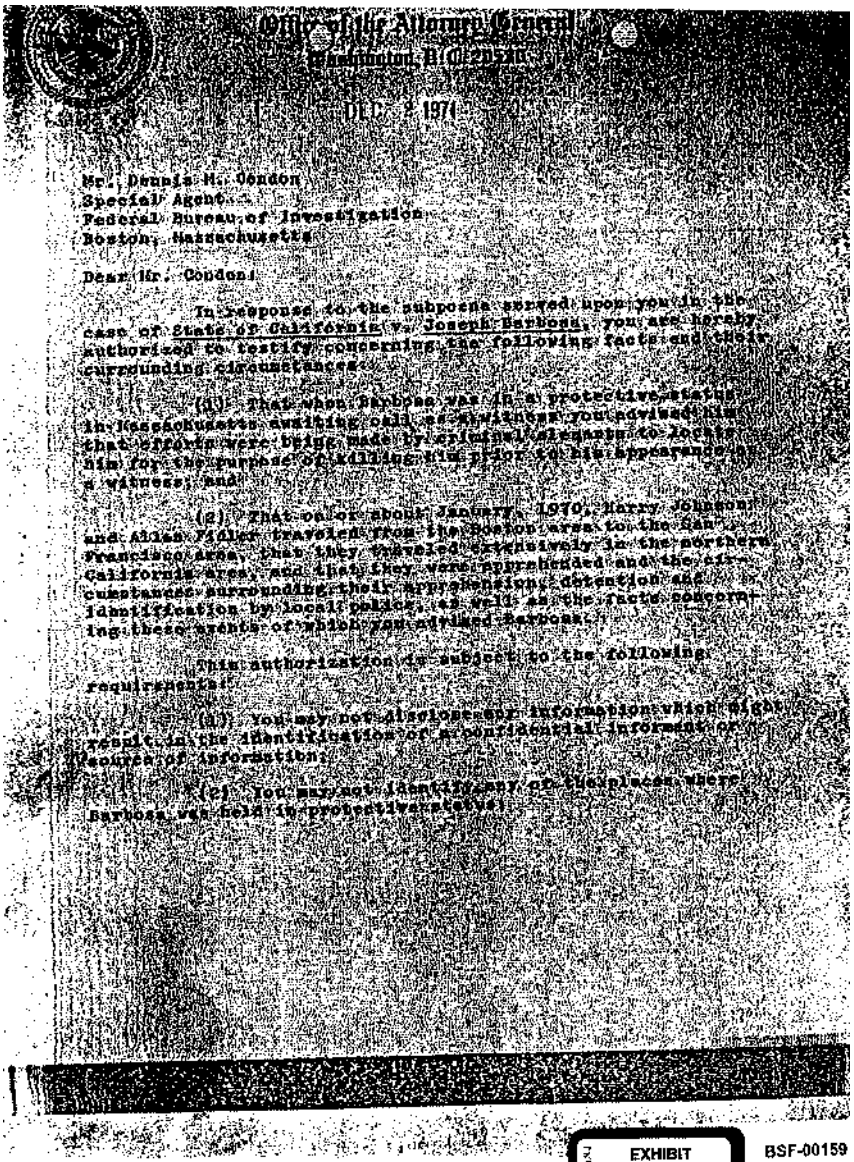
EXHIBIT
429

BSF-00164

1969




BSF-00165



Office of the Attorney General
Washington, D. C. 20530

DEC 2 1970

Mr. Dennis M. Condon
Special Agent
Federal Bureau of Investigation
Boston, Massachusetts

Dear Mr. Condon:

In response to the subpoena served upon you in the case of State of California v. Joseph Barbosa, you are hereby authorized to testify concerning the following facts and their surrounding circumstances:

(1) That when Barbosa 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 Allen 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 arrangements, detention and identification by local police, as well as the facts concerning these agents of which you advised Barbosa.

This authorization is subject to the following requirements:

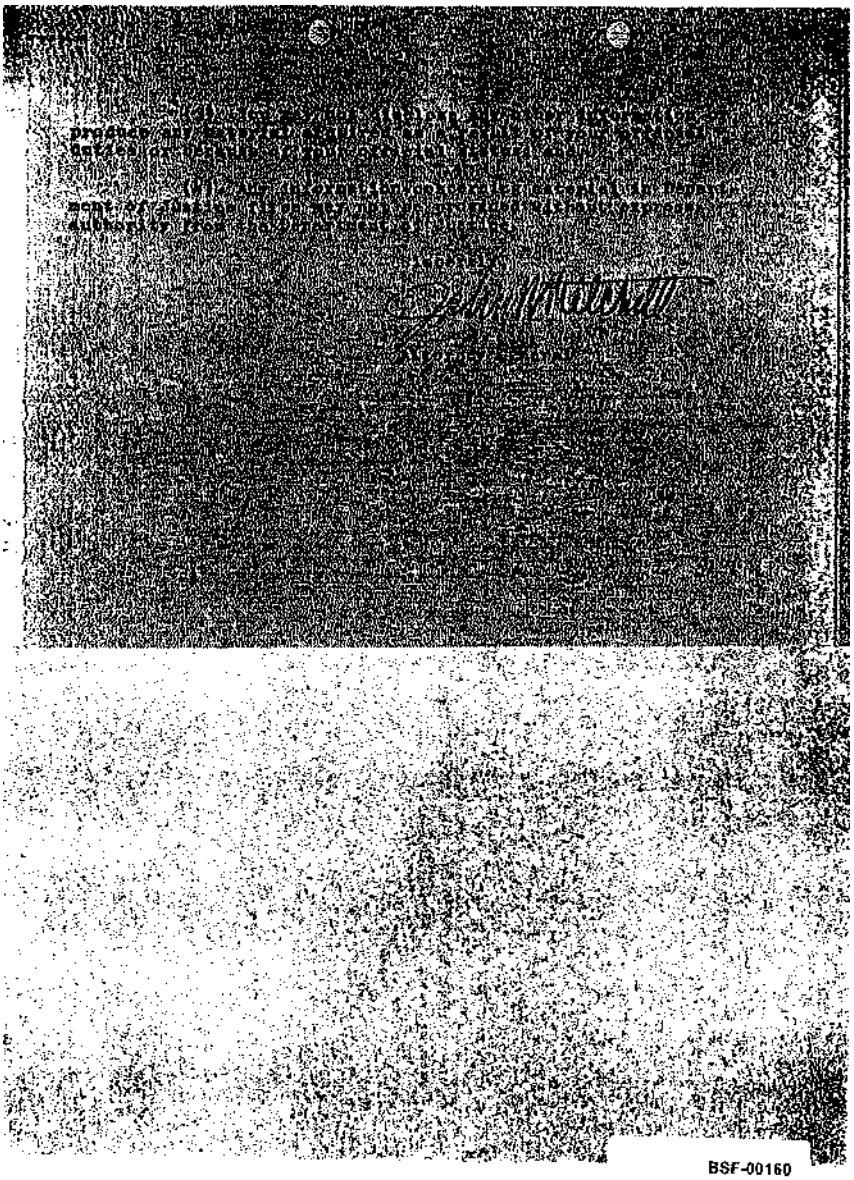
(a) You may not disclose any information which might result in the identification of a confidential informant or source of information.

(b) You may not identify any of the places where Barbosa was held in protective status.

EXHIBIT
430

BSF-00159

1971



BSF-00160

UNITED STATES GOVERNMENT

# Memorandum

DEPARTMENT OF JUSTICE

DEC 2 1971

TO: Attorney [illegible]
Boston Strike Force

FROM: Attorney General

SUBJECT: Testimony of Department of Justice Attorney in the Case of State of California v. Joseph Barbosa, aka Joseph Baron

In response to the subpoena served upon you, you are hereby authorized to testify at the trial of State of California v. Joseph Barbosa concerning the following facts:

(1) The names of the persons against whom Joseph Barbosa testified as a witness in criminal proceedings prosecuted by the United States and by the State of Massachusetts;

(2) That prior to, during, and subsequent to his testimony Barbosa was maintained in a protective status by the United States at various locations;

(3) That subsequent to his testimony, the United States relocated Barbosa to California under a changed identity;

(4) That the United States assisted Barbosa in entering training in a cooking school in the Santa Rosa, California area; and

(5) That while in Santa Rosa, Barbosa [illegible] authorization to carry a [illegible] and that authorization was not obtained.

This authorization is subject to the following requirements:

(1) You may not identify any of the places where Barbosa was held in protective status;

(2) You may not disclose any of the techniques employed in effecting Barbosa's change in identity.

EXHIBIT
431

SF-00157

(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.

Keating then until I found out later his name was Keating.
Q Did you meet him in Santa Rosa?
A Yes, I did.
Q How did you go back?
A We flew back to Washington.
Q Washington, D. C.?
A Yes.
Q Did you remain there or where did you go?
A No, we took -- Ralph got his brother-in-law's car and we drove in to New Bedford.
Q And is this when you -- you had the meeting with Frank Davis in the woods?
A Yes.
Q All right. Where did you stay in New Bedford?
A For a couple of weeks I stood in a motel in Westport right outside of New Bedford near a place called Lincoln Park, and then one night Lenny Hughes came to the motel. I let him know where I was then and he invited me to stay on the first floor of his brother's house.
Q And which brother would that be?
A Larry.
Q Larry Hughes?
A Yes.
Q That was the fellow that testified in Court here?
A Yes.
Q His house?
A Yes.
Q How long did you stay there at that house?

EXHIBIT
432

A About one week.
Q About a week? Did you stay there until you went back to Santa Rosa, California?
A Yes.
Q Did Ralph stay with you?
A Yes.
Q When did this meeting in the woods take place, do you recall, approximately?
A It had to be about first week in May, about May the 5th.
Q About May 5th?
A Yes.
Q And is this the meeting where you said some people were disguised?
A Yes.
Q I think you said that some people were wearing gas masks?
A Yes.
Q And who arranged the meeting?
A Who arranged the meeting?
Q Who set it up, if you know?
A Lenny Hughes.
Q Meeting in the woods?
A Lenny Hughes got -- Frank Davis was waiting for me to come back and Lenny Hughes told Frank Davis that I was around.
Q And I believe you indicated that your brother Donald was present?
A Yes.
Q A Mr. Southwood, a reporter?
A Yes.

Q Ralph Bates, who you found out his true name is Ralph Keating?
A Yes.
Q Frank Davis?
A Yes.
Q Lenny Hughes?
A Yes.
Q And was this --
A Herbie Jesus.
Q Pardon? Oh, and Herbie Jesus, excuse me. Did you say Herbie Jesus?
A Yes.
Q And this was the meeting -- was this meeting a result of you originally sending word back in January?
A Yes, in January I sent word back, yes.
Q That you wanted to change your testimony?
A Yes.
Q Now who did you discuss changing your testimony with at that meeting?
A Frank Davis.
Q And what did you say to Frank Davis about changing your testimony?
A I told him I would change my testimony. I lied to him. Generally the conversation went that I would change my testimony and --

Q. Well, excuse me, but will you just, as best you recall what you said, would you tell us what you said to Frank Davis out there at that meeting in the woods.
A. What I said?
Q. What you said.
A. In reply to the things that he said to me?
Q. Well, all right. Tell us what you said, and you can tell us what Frank Davis said in reply.
A. Yes. I said to Frank Davis that I would change my testimony And he said that they would give me a quarter of a million dollars.

I said it wasn't enough, that I wanted a half a million dollars.

He said he would have to speak to Jerry. He said that he was going in on Friday or Saturday nights into the county jail there with some other people through a connection that they had in the jail, and seeing Raymond Patriarca in Rhode Island. And he also said that Raymond Patriarca and Jerry said that if I changed my testimony that I also could come back to Boston and that they wouldn't bother me.
Q. Now, you say they offered you a quarter of a million dollars and you said that wasn't enough, you wanted a half a million dollars?
A. Yes.
Q. And who was "they"?
A. Pardon me?
Q. Who was "they"?
A. "They" meaning Jerry and Raymond.

Q. Now, did Ralph Bates know the purpose of your trip back to Massachusetts on April 28th, or Ralph Keating?
A. Yes, yes.
Q. Did you tell anyone else what you were doing?
A. Did I tell anyone else what I was doing?
MR. MILLER: Could this question-- I think it's so broad, your Honor--
A. Yes.
MR. MILLER: I ask that that be stricken. There was an objection pending, because "Did you tell anyone else about the trip," that comes all the way up till now.
MR. FAHEY: All right, I'll rephrase the question.
THE COURT: All right.
MR. FAHEY: Q. Did anyone else know-- I'm talking about that period of April 28th-- other than yourself and Ralph, did anyone else know why you were going back to New Bedford?
A. Yes.
Q. Who?
A. My wife.
Q. Your wife?
A. Yes.
Q. So, other than yourself and Ralph, the only other person that knew was your wife, is that right?
A. Well, my brother Donald knew, Lennie Hughes was expecting me, and--
Q. I'm not talking about the people-- I should have cleared it up, not the people back there that you met, but out here. Your wife is the only one that knew what you were going back

"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 Tamaleo, Peter J. Limone, Joseph L. Salvati and Louis Greco 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 -- "Signature, Joseph Baron."

Then, "Personally appeared before me the above-named Joseph Baron, also known as Joseph Barboza, on the 28th day of July, 1970, and swore that he had read the foregoing affidavit and that the facts therein stated are true.

"Calm W. Gillis, Notary Public. My commission expires June 21st, 1974."

MR. MILLER: The next page, is that the notice?

MR. FAHEY: Next page is a motion for new trial.

MR. MILLER: I can't see what the relevancy is.

MR. FAHEY: I'm not going to read it. It's attached to a motion for a new trial, Commonwealth vs. Henry Tamaleo, motion for new trial, and the third page is just a cover indicating Commonwealth vs. Henry Tamaleo, motion for a new trial, and it was filed in Suffolk County July 28th, 1970.

BY MR. FAHEY:

Q Now you've testified that you signed that affidavit?

A Yes, I signed it.
Q That's your signature?
A Yes.
Q And in that affidavit you've indicated that you wished to recant certain testimony and tell the whole truth in the Deegan trial?
A I signed that affidavit.
Q Regarding those four men?
A I signed that affidavit.
Q Right, and this was on the 28th of July, 1971?
A It appears so.
Q '70?
A It appears so.
Q All right. Now at some later date did you recant your recantation in that affidavit?
A Never. Never.
Q Did you in any way indicate that that affidavit that you signed under oath was not true?
A Did I -- Was it not true?
Q Yeah, did you later indicate to the Court that that affidavit that you signed under oath was not true?
A I said I refused -- yes, I said I refused to recant.
Q Well, in other words, you are saying that what you signed in that affidavit under oath was not true.

MR. MILLER: Excuse me. The document indicates that he said he would recant. It doesn't say what he's going to say and --

MR. FAHEY: The document indicates that he -- on

paragraph 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 -- the involvement of Henry Tamaleo, Peter J. Limone, Joseph L. Salvati and Louis Greco in the killing of Teddy Deegan."

Paragraph 3: "That the testimony I now offer to give concerning the killing of Teddy Deegan and those individuals responsible -- those individuals responsible for his death will be the whole truth known to me."

BY MR. FAHEY:

Q Now that was signed by you. You've indicated that was signed by you under oath on the 28th of July?

A Yes.

Q And my question was, did you later indicate to the authorities in Suffolk County that that document was not true?

A I didn't deny I didn't sign it.

Q I'm not saying that.

A I said I refused to recant.

Q That wasn't my question. Isn't it a fact that you indicated to the authorities in Suffolk County that that document wasn't true?

A Wasn't true?

Q What it says.

A I said it wasn't clearly understood by me.

Q Your affidavit? Isn't that document the one that the Mafia was paying you for?

A Paying me for? Yeah.

Q How much?

A They didn't pay me nothing. In other words, at that time they paid me the thousand a month and two thousand every time I came back East.
Q Well, that was part of the -- that was part of the five hundred thousand dollars that you asked for in April or May in New Bedford, isn't it, out in the woods?
A That's a part of it? No, no, that wasn't part of it.
Q Well, I mean the document was part of the agreement, wasn't it?
A Oh, that was part of the agreement, yes. I was fooling them.
Q You were fooling them?
A I was tricking them, yes.
Q You were tricking them? You signed that under oath?
A Yes, I did.
Q And when you testified in the Deegan trial, you testified under oath?
A Yes, I did.
Q And you continued to receive money from the Mafia while you were in Walpole until September 1st?
A Is it September 1st? Did you say September 1st?
Q I believe you testified until --
A I didn't say the 1st of September.
Q Until the 1st of September?
A About that.
Q About that time? When did you contact the authorities and tell them that you weren't going to recant, that that document wasn't true?

A I think it might have been about the 17th of September.
Q 17th of September?
A Yeah, about that.
Q And it was sometime after the 1st of September to the 15th of September that Mr. Harrington visited you at Walpole?
A Yeah. Yes.
Q And you were still in custody?
A Yes.
Q All right. And you've indicated that Geraway's chart there as far as his location, his cell in Walpole and your cell is correct?
A Yes.
Q You had adjoining cells, and you've indicated on -- in your direct testimony that you talked to Mr. Geraway often?
A Yes.
Q You indicated that you talked to him daily?
A Yes.
Q You indicated that your best estimate was that you talked to him ten hours a day?
A Within a period of ten hours a day, yeah.
Q That you told him the name of Clay Wilson?
A One occasion or more, yes.
Q That you told him the name of Dee Wilson?
A Yes.
Q That you told him the name of Paulette Ramos?
A Yes.
Q And you did play chess with him?
A Yes.

"Frank Davis, Ralph Keating,my brother, Donald Barbosa, Leonard Hughes, Herbert Jesus, and James Southwood," a reporter for the Boston Harold-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."

[redacted] this is the extent of Baron's testimony on direct regarding





[redacted]

**From:** [redacted]
**Sent:** Monday, June 25, 2001 12:18 PM
**To:** [redacted] Jim
**Subject:** Baron cross

Mr. Schumann,

Thanks for the address. I'll be sending the documents later today.

The following are excerpts from my notes regarding Joe Baron's cross examination at his Santa Rosa trial. The excerpts relate, I believe, to the subject matter of your investigation.

Baron's cross-examination by Deputy District Attorney Ronald Fahey on Dec. 8, 1971.

Baron stated after his address book, which he had lost at the Miramar Bar in Santa Rosa, was returned to him, he called Dennis Condon to tell him what happened. He said Condon told him he "had to move."

He said he also talked to Walter Barnes and Ted Harrington around the first week of June 1970. Next, "I talked to Condon about my wife going back East." He said he talked to Condon on July 19, 1970. He said he was in custody and talked to Condon "at the jail."

He said he talked to Barnes or Harrington before July 11, 1970, "and told them I wanted to go back East," or "possibly told them I was going back East."

After his arrest, he said, he talked to Harrington at New Bedford House of Corrections. On July 21, 1970, he was transferred to Walpole State Prison. He said he talked to Harrington "in person" at Walpole about the 15th of September.

A: No, that might have been earlier...It was earlier...between the first and 15th."

He said on July 19, 1970, he talked with both Condon and Harrington.

Q: Did you indicate to them you were going to recant?
A: No, I didn't.

On a Monday, after July 17, 1970, he said, he talked to F. Lee Bailey.

Fahey showed Baron a three-page affidavit, notorized. Baron identified his signature on the affidavit. "I recall signing that affidavit," he said.

The affidavit said in part "I am the same Joseph Baron who testified in the case of Commonwealth vs. French."

"I wish to recant my testimony, regarding Tameleo, Limone, Salvati and Greico."

"The testimony I will now offer regarding the Teddy Deegan case will be the whole truth as I know it."

The affidavit was dated July 28, 1970.

Page two was a copy of a motion for new trial by Tamaleo. Page three was the motion for new trial, filed July 28, 1970.

DEC 3 1971

# U. S.-Mafia Battle Told In SR Court

By BONY SAUDES

A Massachusetts matter gave an insight into the battle between the U.S. Government and the Mafia yesterday as the prosecution concluded its case against Joseph Barboza Baron.

Lawrence P. Hughes, 44, New Bedford, testified under cross examination he was a prospective government witness until he was double-crossed by the U.S. Justice Department, and he implied the government is protecting Mr. Baron.

Hughes' testimony disclosed an almost unbelievable set of circumstances which undoubtedly will have repercussions in the East Coast.

His testimony launched the trial onto a collateral issue of Mr. Baron's alleged Mafia connections, which is bound to result in the summoning of a stream of East Coast personalities as witnesses.

District Attorney Kiernan Hyland and Chief Deputy District Attorney Ronald Fahey rested the prosecution yesterday after calling 14 witnesses and introducing 55 pieces of evidence in hoping to establish a first-degree murder case against Mr. Baron.

Public Defender Marteen Miller began the defense this morning by calling the 39-year-old defendant, a reputed gangland enforcer turned government witness, to the stand.

Mr. Hughes, who lives in Mr. Baron's hometown and has known the defendant several years, confirmed what had been long been rumored—that Mr. Baron was to be paid a half-million dollars by the Mafia to recant his testimony in some 1968 Mafia trials in the East Coast.

Mr. Baron's testimony resulted in murder convictions against racketeers Louis Greco, Peter Limone, Henry Tameleo, Ronald Cassesso, Henry Salvati and Wilfred French for the slaying of Edward (Teddy) Deegan.

(Continued on Page 5, Col. 1)



# U. S.-Mafia Battle Shows in Baron Trial

(Continued from Page 1)

a Chelsea, Mass., alley in

nother trial, his testimony st in the conviction of New land Mafia chieftain Ray- d Patriarca for conspiracy urder Willie Marfeo of Provi- ce, R.I.

r. Hughes said he over- rd Mr. Baron say that three the four men now in Death v for the Deegan murder ouldn't be there."

is brother, Leonard Hughes, was mixed up with the fia in some way, wanted him sign an affidavit to that ef- Mr. Hughes said, but he used. He didn't give a reason

### Who Contacted Whom?

Mr. Hughes contended that year Mr. Baron contacted East Coast Mafia and of- d to recant his testimony—a ve that would set the convict murderers free—if they'd him $500,000.

This contradicted r e p o r t s t it was the Mafia that ap- ached Mr. Baron with the of- of a $500,000 bribe.)

Mr. Hughes insisted it was Baron who contacted the fia with the offer.

This, he said, was done in a eting in the woods and later st Coast attorney F. Lee Bai- got i n v o l v e d and was sent at a meeting at his ughes) home when the offer in was discussed.

Mr. Hughes contended Bailey ited no part in the handling the money and told Mr. Bar- he should pick out a person

(In August of last year, Mr. Bailey represented Mr. Baron when Mr. Baron announced he wanted to recant his testimony and said he would take a lie detector test.

(But upon hearing of the plan, the J u s t i c e Department interceded, talked to Mr. Baron and Mr. Baron then announced that his original t e s t i m o n y would stand.)

### 'Threat on Life'

Mr. Hughes said he informed government officials about the $500,000 offer and he was placed in "protective custody" for several months after the "Mafia threatened my life."

He said an agreement was worked out where he would be a government witness in the event Mr. Baron elected to change his testimony.

Mr. Hughes testified he was sent to Houston, Texas, where he received $125 a week for living expenses from the district attorney in Boston. He said the agreement guaranteed him a new identity, a job and the eventual reunion with his wife and three-year-old daughter.

He said he was met in Houston by two FBI agents in January and put up in a Holiday Inn. But things started to turn sour for him soon afterward.

The head waiter job they had "arranged" for him turned out to be that of a bus boy, which he said was an insult to him and he refused the job.

Eventually, he said, the $125 was cut off and he had to move to the YMCA.

### "O.S. Forsake Me"

He contended he was completely forsaken by the government when in March Mr. Baron was transferred from Boston to the Santa Rosa jail to stand trial for the Clay Wilson slaying.

Mr. Hughes said the government returned him to New Bedford "after I raised so much hell!"

Turning specifically to the Wilson case, Mr. Hughes said Mr. Baron first mentioned Clay in the spring in 1970 when Mr. Baron said Clay was "a wise guy and when he (Mr. Baron) got back to California he was going to have to straighten him out."

Mr. Hughes said, however, he did not consider Mr. Baron's statement as declaration that the defendant was going to kill Clay.

The only indication he received after that that something happened to Clay was when Mr. Baron told him he'd had an act of intercourse with Clay's wife an "hour after he buried him in the ground."

Mr. Hughes earlier testified his brother, Leonard Hughes, and Mr. Baron in the spring of 1970 were conspiring to convert $200,000 worth of securities stolen in a 1969 burglary of the family home of Victor DeCarli in Petaluma.

He disclosed the last person he knew of who had possession of those securities was a man in Massachusetts whom he identified as Frank Davis, who had a salvage business.

Mr. Hughes said Mr. Davis was to take part in converting the securities.

He said he does not now know what has become of the securities.

(Mr. DeCarli testified earlier he was aware attempts were made to convert the securities in New York by a man assuming his identity and that as far as he knows none of the securities has ever been recovered).

Mr. Hughes said sometime before Mr. Davis ended up with the securities, his brother, Leonard, had given them to him (Mr. Hughes) for safekeeping.

### Photocopies

Mr. Hughes said he made photocopies of them before returning them to his brother.

When his brother asked him what he had done with the photocopies, he told him he had destroyed them, he said.

He said, however, that he in fact had kept the photocopies and turned the majority of them over to an FBI agent last week.

He kept t h r e e which he produced in court on Wednesday.

Mr. Hughes r e c a l l e d his brother told him a man, identified as Genarro Angiulo, wanted the photocopies. "that they were very important."

Mr. Miller asked Mr. Hughes if he knew in fact that Angiulo was now the head of the New England Mafia. But before he could answer, Mr Fahey lodged an objection which was sustained by the judge.

### Bribe Reported

An earlier witness, convicted murderer William Geraway, who gave information leading to the discovery of Clay's body and implicating Mr. Baron, testified Angiulo was one of several Mafiosos who bribed him while he was in Walpole State Penitentiary.

Geraway said he was bribed to say that Mr. Baron had lied to him he lied and framed some of the gangland figures in the Deegan murder case.

Geraway said Angiulo didn't want his testimony to benefit Patriarca, the East Coast Mafia chieftain.

The combined testimony of Mr. Hughes and Geraway implied an internal struggle for the leadership of the East Coast Mafia.

### U.S. Protection?

In a brief interview with a Press Democrat reporter yesterday, Mr. Hughes confirmed what he implied several times in court — that the Justice Department is protecting Mr. Baron.

In court, he repeatedly accused the Justice Department of feeding Mr. Miller information and documents which originally were intended for the prosecution. (Geraway made the same accusation).

Mr. Hughes told The Press Democrat the Justice Department is protecting Mr. Baron as he will maintain the testimony he gave at the Deegan murder trial.

He contended the protection also is to show "good faith" so that other government witnesses, who have turned informant since Mr. Baron will feel secure and count on the government's support should they find themselves in a dilemma.

Mr. Miller has announced he intends to call as a witness for Mr. Baron, Edward Francis Harrington, a crime-fighting attorney who is head of the Justice Department's organized crime task force in the East Coast.

Mr. Harrington has visited Mr. Baron at the county jail twice since the defendant was extradited from Massachusetts.

1987

OFFICE OF THE PUBLIC DEFENDER
Rm. 215-J Hall of Justice
2555 Mendocino Avenue
Santa Rosa, California 95401

FILED
DEC 6 - 1971
EUGENE D. WILLIAMS, Co. Clerk
By _____ Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SONOMA

THE PEOPLE OF THE STATE OF CALIFORNIA )
)
vs. ) NO. 6407-C
JOSEPH BENTLEY, aka JOSEPH BARBOSA )
aka JOSEPH BARBOSA BENTLEY )
aka JOSEPH BARBOSA BARON )
)
Defendant )

INTERROGATORIES TO OUT-OF-STATE WITNESS

Defendant propounds the following interrogatories to Jackie Zalkind pursuant to Court Order granting permission to submit interrogatories by authority of Section 1349 of the Penal Code of the State of California.

1. What is your business or occupation?

2. Did you know an individual by the name of Lawrence P. Hughes in October or November of 1970 in the New England area?

3. Did Mr. Lawrence P. Hughes state the following to you: "Joseph Baron Barbosa said," (to Lawrence P. Hughes) that "we couldn't know what kind of a thrill it was to lay a guy's wife an hour after you buried him in the ground" regarding an act he (Joseph Barbosa Baron) had committed in California.

4. Did you respond by telling him "if it's true, keep your mouth shut and don't get involved."

EXHIBIT
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FILED
DEC 6 1971
EUGENE D. WILLIAMS, Co. Clerk
By [signature] Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SONOMA

THE PEOPLE OF THE STATE OF CALIFORNIA )
)
) NO. 6407-C
JOSEPH BENTLEY, aka JOSEPH BARBOSA, ) Dept. No. 4
aka JOSEPH BARBOSA BENTLEY, )
aka JOSEPH BARBOSA BARON, )
)
Defendant. )

AFFIDAVIT IN SUPPORT OF MOTION FOR COMMISSION TO TAKE DEPOSITION OUT OF STATE ON WRITTEN INTERROGATORIES

MARTEEN J. MILLER, Public Defender of Sonoma County, being first duly sworn, deposes and says:

That he is the attorney for the above-named defendant, wherein the said defendant having been charged by an information filed in this court with murder, the trial presently in progress.

That JACK I. ZALKIND is a material witness for the defendant in said action; that said witness does not reside in this state, but resides at Suffolk County District Attorney's Office, Court House, in the City of Boston, County of Suffolk, State of Massachusetts.

Wherefore, affiant prays that this court issue a commission to take the deposition of said witness, and that there be attached to such commission written interrogatories and cross-interrogatories settled by the judge of this court, on which such deposition is to be taken; that the interrogatories prepared by defendant on

which such deposition is to be taken are attached to the notice of motion filed herewith.

DATED: December 6, 1971

MARTEEN J. MILLER
Public Defender

Subscribed and sworn to before me
this 6th day of December, 1971

Notary Public in and for the
County of Sonoma, State of California

OFFICIAL SEAL
MARY L. MOORE
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SONOMA COUNTY
My Commission Expires July 16, 1974

FILED

DEC 6 - 1971

EUGENE D. WILLIAMS, Co. Clerk

By _____ Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

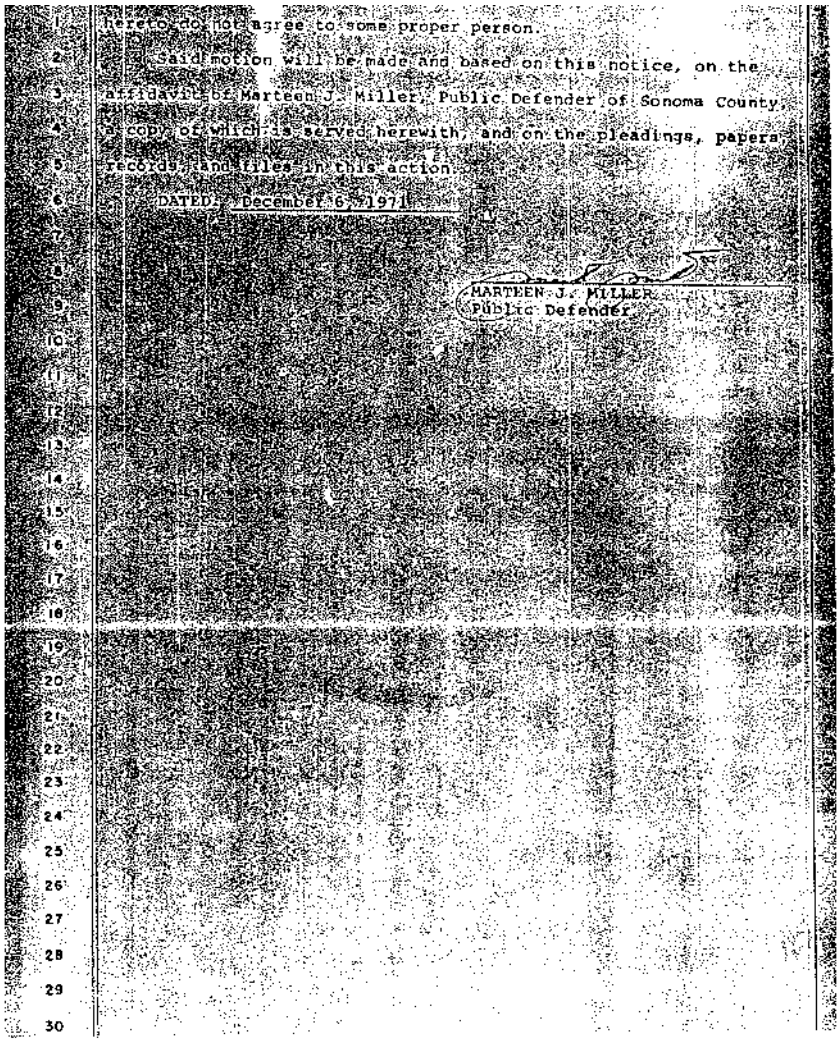
FOR THE COUNTY OF SONOMA

| | |
|---|---|
| THE PEOPLE OF THE STATE OF CALIFORNIA<br><br>v<br><br>JOSEPH BENTLEY, aka JOSEPH BARBOSA aka JOSEPH BARBOSA, aka JOSEPH BARBOSA BARON<br><br>Defendant. | NO. 6407-C<br>Dept. No. 4 |

NOTICE - MOTION FOR COMMISSION TO TAKE DEPOSITION OUT OF STATE - ON WRITTEN INTERROGATORIES

TO: Kiernan Hyland, District Attorney, Sonoma County.

You are hereby notified that on December 7, 1971, at 9:45 o'clock A.M., or as soon thereafter as counsel can be heard, the above-named defendant, by his attorney, will move the above-entitled court, at Department No.4, Superior Court, the place of holding said court, for an order directing a commission to issue out of and under the seal of this court, to take the testimony of Jack I. Zalkind, a witness residing out of this state, under oath and on written interrogatories to be annexed thereto, which the People of the State of California shall be allowed to join, a copy of the interrogatories proposed by defendant being attached hereto, said commission to be directed to some proper person residing in the City of Boston, State of Massachusetts, then and there to be selected and appointed by the judge of this court at the time designated in this notice, if the parties



hereto do not agree to some proper person.

Said motion will be made and based on this notice, on the affidavit of Marteen J. Miller, Public Defender of Sonoma County, a copy of which is served herewith, and on the pleadings, papers, records, and files in this action.

DATED: December 6, 1971

MARTEEN J. MILLER
Public Defender

Typed: 12/6/71

John N. Mitchell
Attorney General

7 DEC 1971

HMP:AHP:lr6
123-36-0

Henry E. Petersen
Acting Assistant Attorney General
Criminal Division

State Court Subpoena of Federal
Bureau of Investigation Agent

Attached are a Segnafax memorandum from Albert F. Cullen, Jr., Deputy Attorney in Charge, Boston Strike Force, and a copy of the Federal Bureau of Investigation report of interview with Lawrence Patrick Hughes which is mentioned in the memorandum. The 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.

On December 2, 1971, you authorized Condon to testify as to certain matters in the case of State of California v. Joseph Barbosa. As a result of testimony by a surprise witness by the name of Lawrence Patrick Hughes who was presented by the prosecution in that case, Mr. Cullen has requested that Condon's grant of authority be expanded to include certain facts concerning an interview which he had with the witness. The details of the request are fully set forth in the attached papers.

It is requested that a limited authorization be given to Condon to testify concerning facts pertaining to the interview which he had with Lawrence Patrick Hughes. Enclosed for your signature is a letter for this purpose.

Attachments

cc: Records
Chrono
Petersen
Lynch
Featherstone
Harrington
Porcella (2)
Holmes
Office Chrono
DIRECTOR FBI

EXHIBIT
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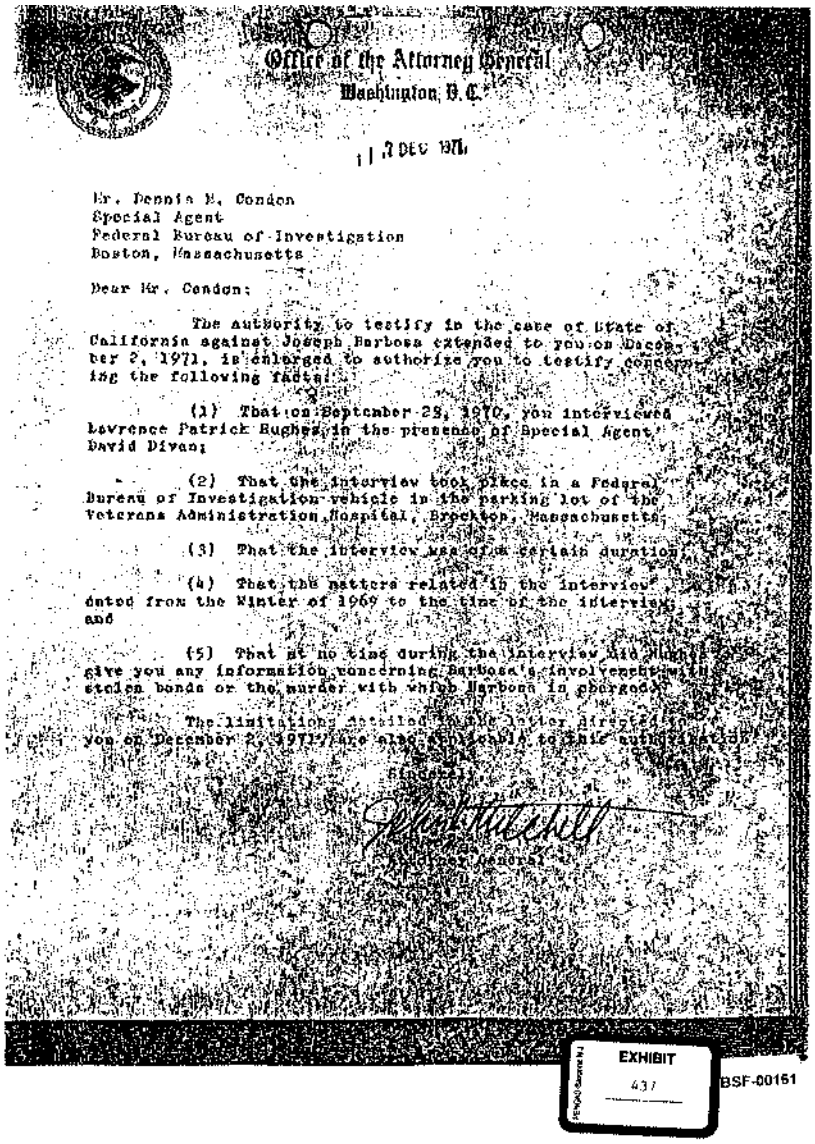
(3) You may not disclose any other information or produce any material acquired as a result of the performance of your official duties or because of your official status; and

(4) Any information concerning material in Department of Justice files may not be provided without express authorization from the Department of Justice.



Office of the Attorney General
Washington, D.C.

13 DEC 1971

Mr. Dennis M. Condon
Special Agent
Federal Bureau of Investigation
Boston, Massachusetts

Dear Mr. Condon:

The authority to testify in the case of State of California against Joseph Barbosa extended to you on December 2, 1971, is enlarged to authorize you to testify concerning the following facts:

(1) That on September 28, 1970, you interviewed Lawrence Patrick Hughes in the presence of Special Agent David Divan;

(2) That the interview took place in a Federal Bureau of Investigation vehicle in the parking lot of the Veterans Administration Hospital, Brockton, Massachusetts;

(3) That the interview was of a certain duration;

(4) That the matters related in the interview dated from the Winter of 1969 to the time of the interview; and

(5) That at no time during the interview did Hughes give you any information concerning Barbosa's involvement with stolen bonds or the murder with which Barbosa is charged.

The limitations detailed in the letter directed to you on December 2, 1971, are also applicable to this authorization.

Sincerely,

Attorney General

EXHIBIT
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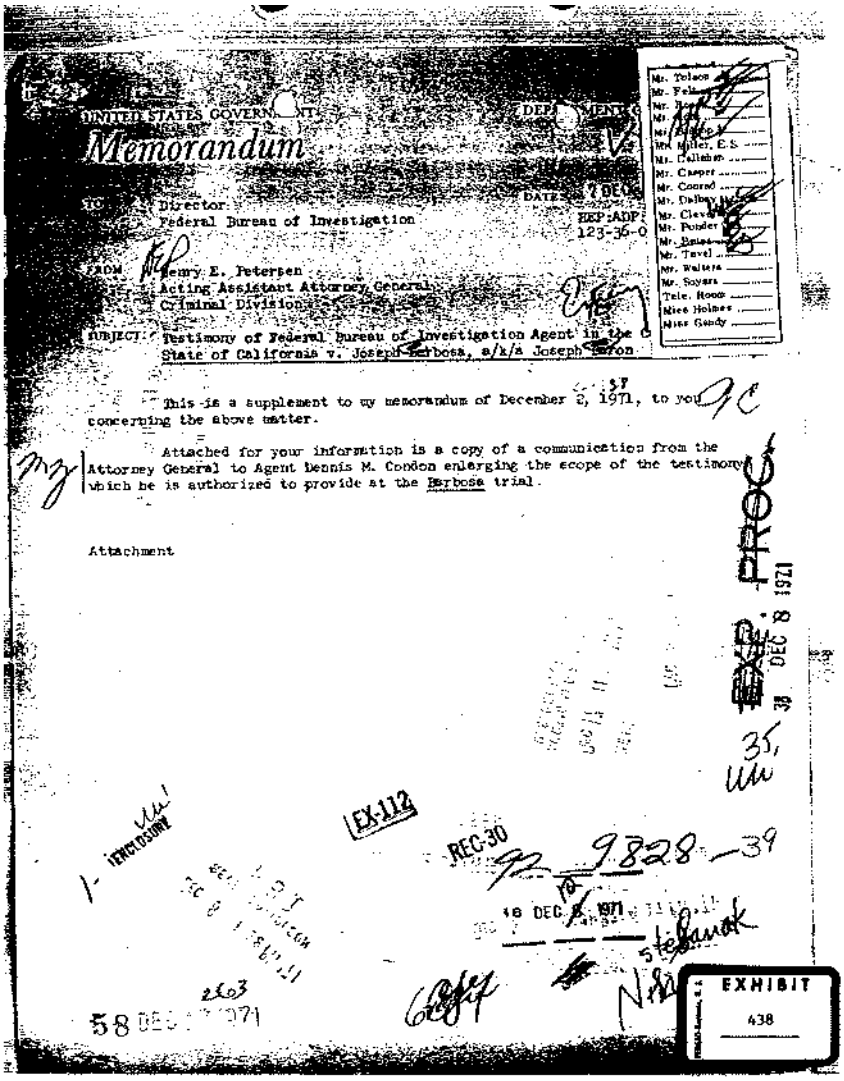
BSF-00161



UNITED STATES GOVERNMENT

# Memorandum

TO: Director
Federal Bureau of Investigation

DATE: 7 DEC

REF: ADP:
123-36-0

FROM: Henry E. Petersen
Acting Assistant Attorney General
Criminal Division

SUBJECT: Testimony of Federal Bureau of Investigation Agent in the
State of California v. Joseph Barbosa, a/k/a Joseph Baron

This is a supplement to my memorandum of December 2, 1971, to you concerning the above matter.

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 Barbosa trial.

Attachment

Mr. Tolson
Mr. Felt
Mr. Miller, E.S.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

1 - Enclosure

EX-112

REC-30 92-9828-39

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2263

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MR. MILLER: Mr. Harrington.

EDWARD F. HARRINGTON

called as a witness by the defendant; having been first duly sworn, testified as follows:

DIRECT EXAMINATION

MR. MILLER: Q. Mr. Harrington, your full name, please.

A. Edward F. Harrington.

Q. And your business or occupation, sir?

A. Attorney at law.

Q. And are you affiliated with any group, organization, institution, governmental agency?

A. I am a special attorney with the United States Department of Justice, and presently assigned as attorney in charge of the Department's organized crime strike force for the New England area, located at Boston.

Q. And approximately, sir, how long have you been with the United States Department of Justice?

A. I'm with the Department of Justice since November of 1961, with the exception of a three month period from February 1969 through May 5th of 1969. So approximately ten years.

Q. Now, are you familiar with a Joseph Baron, also known as Barboza and Bentley, who is seated here to my right?

A. I am.

Q. Are you, Mr. Harrington, familiar with Mr. Baron in relatic to the prosecution of a federal and state criminal case in the New England area?

A. I am.

Q. Are you aware of his having acted as a witne

EXHIBIT 439

case in Massachusetts, People versus, I believe, French, et al?
A. Mr. Baron was the chief witness for the Commonwealth of Massachusetts in the case of Commonwealth versus French, which was tried, I believe, in the summer of 1968.
Q. Do you recall offhand, Mr. Harrington, the names of the other defendants involved in that case?
A. Roy French, Henry Tamaleo, Peter Limone, Joseph Salvati, Louis Greco, and Ronald Cassesso.
Q. Were there, or are you aware of any federal prosecution at or about this time in the New England area?
A. Mr. Baron testified as the chief federal government witness in the federal case against Raymond Patriarca, Henry Tamaleo and Ronald Cassesso, which was tried in March of 1968.
Q. Were any security precautions implemented by any government agency in relation to Mr. Baron?
A. Yes, there were.
Q. And the security precautions, were they available prior to the actual testimony in court on each of these occasions?
A. The security arrangements commenced prior to his testifying for the United States Government and the State Government, duri the course of his testimony, and for a period of approximately a year after he ceased testifying.
Q. And would you indicate upon what basis or facts that was available to you or to the United States Government which would give rise to such security precautions being implemented or utilized in this particular case to the benefit of Mr. Baron?
A. Well, information had been obtained by federal authorities to the effect that Mr. Baron's life was in danger, and for that

reason he was maintained in protective custody by United States marshals.

Q. Now, did the United States Government assist Mr. Baron subsequent to the trial, as far as his identity is concerned, and so on?

A. The federal government, subsequent to his testifying for the federal government and the state government, provided Mr. Baron with a change of identity from Baron to Joseph Bentley, and when he was released from state custody in approximately March of 1969, he was relocated to the Santa Rosa area, and the federal government assisted Mr. Baron, now Bentley, in obtaining a student position at a local cooks' school in this area.

Q Now, Mr. Harrington, have you ever been a candidate either successfully or unsuccessfully for the office of District Attorney in the New England area or any other area?

A I've never been a candidate for public office.

MR. MILLER: Thank you, sir. That's all I have.

- - -

CROSS-EXAMINATION

BY MR. HYLAND:

Q Mr. Harrington, I guess you are not precluding yourself, like General Sherman, that you may not be in the future a candidate, is that right?

A I have never been a candidate and --

Q I understand, but I mean that doesn't mean to say you wouldn't be or do you know?

A I don't know at all. I mean I'm an employee for the United States Government. That's all I can say.

Q Isn't it true the name Harrington in the State of Massachusetts is not an uncommon name?

A No, it's a well-known name in that area.

Q Isn't it true there are certain Harringtons that have aspired to public office?

A There have been.

Q Yes. All right. Just one further question, Mr. Harrington. Does the Federal, or do you know when Mr. Baron was located in Santa Rosa, to your knowledge, was the Chief of Police of the City of Santa Rosa or the Sheriff of Sonoma County informed that they had a person moving into the area with the background you've indicated that Mr. Baron had?

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 concerning 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 identit 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. FAHEY: 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.

Q And you've had that position or occupation for approximately what period of time?
A Approximately 21 years.
Q Are you acquainted with an individual by the name of Joe Baron, who is seated to my right?
A I am.
Q Did you know Mr. Baron while he was in protective custody in the New England area in 1968 or thereabouts?
A Yes, I did.
Q Did you, Mr. Rico, have a conversation with Mr. Baron regarding any attempts being made upon him to take his life or to do him bodily harm or the like?
A Yes, I did.
Q Do you recall approximately when this conversation was had or was it over a period of time?
A It was over a period of time.
Q And generally what was the conversation that you had with Mr. Baron in this relationship?
A I told Mr. Baron that we had information that associates of his had been murdered by members of the Cosa Nostra and that they intended to murder him. I told him that the organization planned to do bodily harm to his attorney and I told him the fact that they did blow up his attorney's car should point out the seriousness of their efforts to do bodily harm to him.

MR. MILLER: That's all I have. I had a question that I forgot to ask Mr. Harrington. I don't know if Mr. Rico knows or not. I see Mr. Harrington's still here. I'll wait

until after cross-examination.

- - -

CROSS-EXAMINATION

BY MR. PAHEY:

Q Mr. Rico, this conversation regarding the attorney, when did that take place?

A I had conversation with Mr. Barboza prior to his attorney having his car blown up and I had conversation to him shortly after this occasion took place.

Q As to the latter, when was that?

A It would be within days, probably within 48 hours after the explosion.

Q What I'm calling for, could you give me the year and month, approximately?

A This was -- This was prior -- The explosion took place prior to Mr. Baron testifying which would have been March of 1968.

Q March of '68? When was the last time you had a conversation with Mr. Baron?

A I believe it would be early April of 1970.

Q Early April?

A Yes.

Q And was that when -- Where did this conversation take place?

A I believe this conversation would have taken place -- it would be in Massachusetts near the Cape Cod Canal in the parking lot.

Q This was in person?

A Yes.
Q And was this also in regard to what you previously testified to about warning him?
A Yes, during this particular conversation I warned him.
Q And did Mr. Baron indicate to you that at that time he was setting up negotiations with the Mafia to recant his testimony?
A No, he did not.

MR. FAHEY: Thank you. I have no further questions.

MR. MILLER: That's all, Mr. Rico. Thank you very much.

(Witness excused.)

MR. MILLER: Could I recall Mr. Harrington on direct again just a moment?

THE COURT: Yes.

MR. MILLER: Mr. Harrington, sorry to bother you. I forgot one matter.

- - -

EDWARD F. HARRINGTON,

recalled as a witness on behalf of the defendant, having been previously duly sworn, was examined and testified further as follows:

DIRECT EXAMINATION (Resumed)

BY MR. MILLER:
Q. Mr. Harrington, did you ever have a conversation with Mr. Baron regarding Mr. Baron's desire to carry a pistol?
A Mr. Baron on several occasions requested permission to be allowed to carry a weapon.

Q Did you grant him that permission?

A On all occasions I advised Mr. Baron that I had no authority to grant him such permission.

MR. MILLER: Thank you.

- - -

CROSS-EXAMINATION

BY MR. HYLAND:

Q Just along that line, as a practical matter, you could not have granted that permission, could you, Mr. Harrington?

A I had no authority.

Q You had no authority to grant that permission?

A That's correct.

MR. HYLAND: Fine. Thank you.

MR. MILLER: Thank you.

(Witness excused.)

MR. MILLER: I'll see if I can find somebody.

THE COURT: We've about reached the recess hour.. Will you have sufficient witnesses to continue?

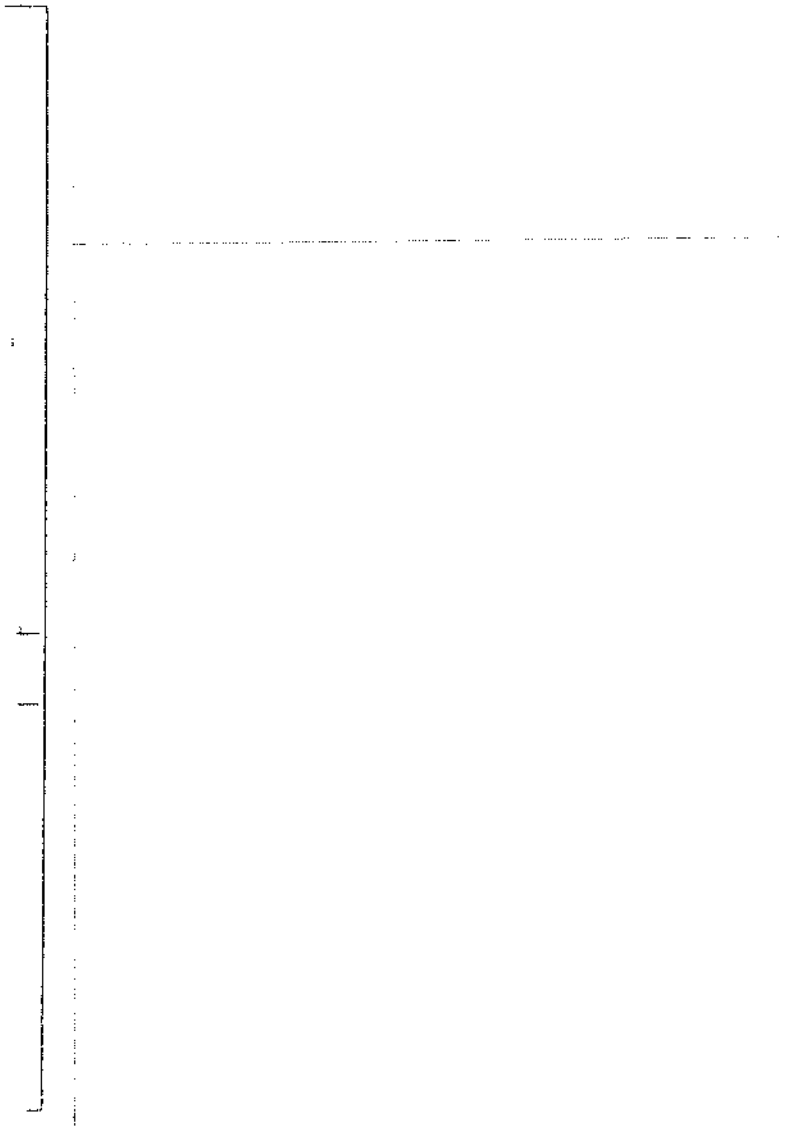
MR. MILLER: I think so.

THE COURT: We got a late start. We'll just take a brief recess here. Mr. Miller has to try to arrange additional witnesses also and we'll recess for ten minutes.

Do not discuss the case among yourselves or with anyone else nor let anyone talk about it in your presence, and you are not to form or express any opinion about the merits until the case is finally submitted to you.

Ten minutes.

(Whereupon, a brief recess is taken after which,



DEC - 8 1971

# Baron Admits Mafia Tie— But Not to Being 'Enforcer'

By RONY SALUDES

The prosecutor failed yesterday in his attempt to get Joseph Barbara Baron to admit he was a three killer for the East Coast Mafia.

Chief Deputy District Attorney Ronald Fahey told the court he intended to prove the 39-year-old defendant was an 'enforcer' for the Mafia.

But the closest he got [illegible] in 1956, Raymond Patriarca, the head of the New England Mafia [illegible] tells [illegible] Mafia [illegible]

Mr. Baron admitted he was friendly with Mafia members [illegible] Mafia.

He opens disguised his Mafia [illegible] while under cross-examination [illegible] Fahey.

He [illegible] the stand under cross-examination today — [illegible] his voice [illegible] Mr. Baron [illegible] disclosed it was [illegible] yesterday [illegible] a killing [illegible] curred which turned him sour on the Mafia.

On Dec. 7, 1966, he said, Patriarca allegedly ordered the killing of two friends of mine, that he thereafter decided to turn states evidence on a couple of murder cases and that the decision changed the course of his life.

Protective Custody

From then on, he testified, he was placed in protective custody by the [illegible] and [illegible] Mr. Baron [illegible] Mr. Baron [illegible] Mr. Baron said his two friends had raised $[illegible] to bail him and another friend out of [illegible] but before the order could [illegible] the bail, they were [illegible]

[illegible]

Outside the presence of the [illegible] Fahey said the [illegible] had [illegible] Mr. Baron [illegible] because he was [illegible]

[illegible]

## Baron Admits Mafia Ties, But Not Hired Killer Charge



[illegible]

DEC - 8 1971

# Baron Admits Mafia Tie– But Not to Being 'Enforcer'

By RONY SALUDES

The prosecutor failed yesterday in his attempt to get Joseph Baron to admit he was a hired killer for the East Coast Mafia.

Chief Deputy District Attorney Reginald Foley told the court he intended to prove the 38-year-old defendant was an "enforcer for the Mafia."

But the closest he came was getting Baron, under cross-examination from Mr. Foley, to admit Raymond Patriarca, the head of the Mafia in New England, was not a "nice guy."

Baron openly demeaned the Mafia, saying, "I'm not proud of what I did for Mr. Patriarca."

Mr. Baron, the client of [illegible] cross-examination today [illegible]

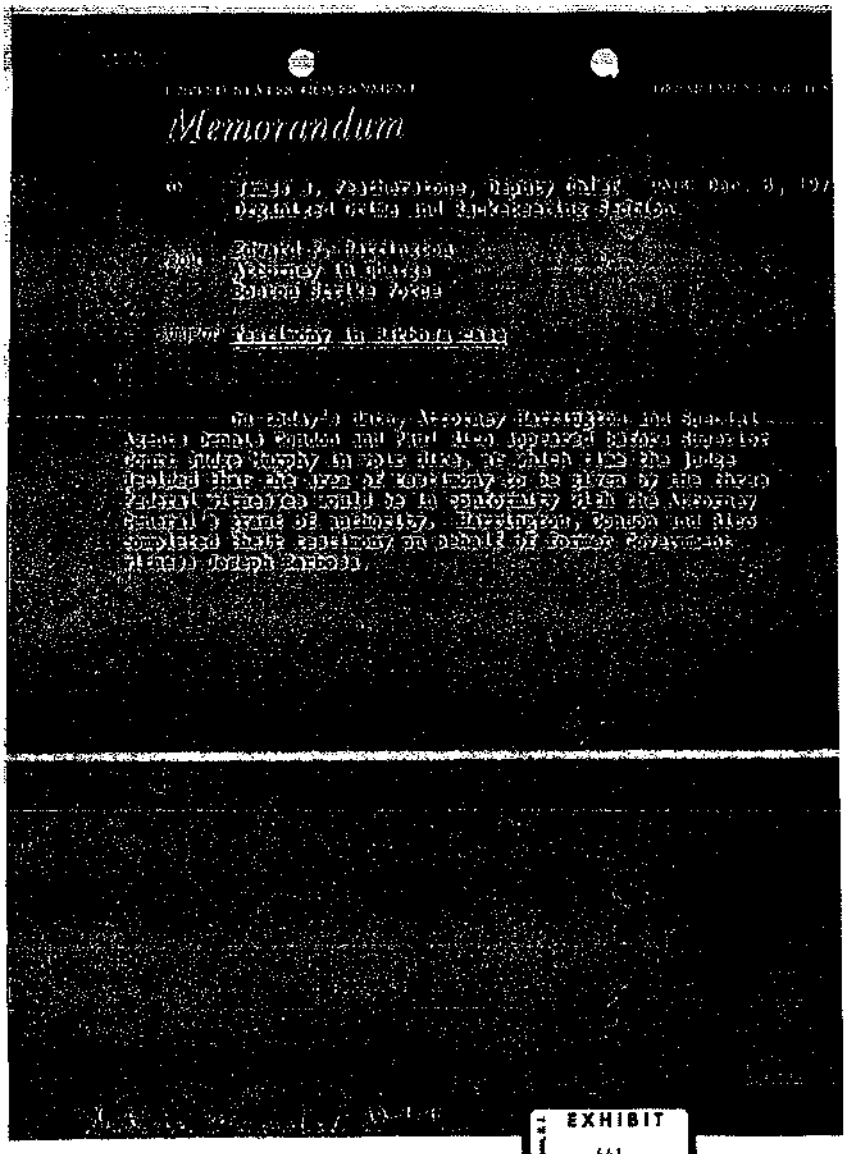
His voice [illegible] emotion, Mr. Baron yesterday disclosed [illegible] yesterday that a killing [illegible] curred which turned him sour on the Mafia.

On Dec. 5, 1968, he said, Raymond Patriarca ordered the killing of two friends of mine, that he thereafter decided to have plastic explosives on a couple of vehicles owned by Patriarca.

Previously, during [illegible] Prosecutor [illegible] Baron, on [illegible] [illegible] [illegible]

UNITED STATES GOVERNMENT

# Memorandum



TO James J. Featherstone, Deputy Chief DATE Dec. 3, 197
Organized Crime and Racketeering Section

FROM Edward F. Harrington
Attorney in Charge
Boston Strike Force

SUBJECT Testimony in Barbosa case

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. Harrington, Condon and Rico completed their testimony on behalf of former Government witness Joseph Barbosa.

EXHIBIT
441

BSF-00166

DEC - 9 1971

12-9-71

# U. S. Agents Tell of Baron

By BONY SALUDES

Three U.S. Government crime fighters from the East Coast testified in behalf of accused murderer Joseph Barboza Baron yesterday.

Among them was Edward Francis Harrington, attorney in charge of the U.S. Justice Department organized crime task force for the East Coast.

He and two special agents for the FBI, Dennis Condon and H. Paul Rico, confirmed Mr. Baron was an important government witness against the Mafia and that his life subsequently was endangered.

Earlier in the trial, Public Defender Marteen Miller told the jury he would call these witnesses to explain why the 39-year-old defendant carried a gun in Santa Rosa when it was illegal for him to do so as an ex-convict.

Mr. Miller summoned the government witnesses after Chief Deputy District Attorney Ronald Fahey completed his cross-examination of Mr. Baron.

The defense proceeded rapidly after Mr. Baron got off the stand.

Mr. Harrington of Boston, Mass., testified Mr. Baron was the "chief witness" for the Commonwealth of Massachusetts in its successful prosecution of six Mafia members for the 1965 murder of Edward (Teddy) Deegan. That trial was in the summer of 1968, he said.

The defendants—Peter Limone, Louis Greco, Henry Tameleo, Ronald Cassesso, Henry Salvati and Wilfred French—were convicted of murder. The first four are in death row and the other two got life sentences.

Mr. Harrington also said Mr. Baron was a witness for the federal government in March of 1968 when it prosecuted Raymond Patriarca, head of the New England Mafia, Tameleo, and Cassesso. He did not say what the case was about.

The witness confirmed Mr. Baron's testimony that "security arrangements" were made

(Continued on Page 2, Col. 6)

EXHIBIT
442

# U.S. Agents Testify

(Continued from Page 1)

for Mr Baron prior to and for a year after he was a prosecution witness.

Came to S.R.

Mr. Harrington said he received information from federal sources that Mr Baron's life subsequently was "in danger," and that the government provided him with a new identity, Joseph Bentley, and relocated him in Santa Rosa

Quizzed briefly by District Attorney Kiernan Hyland, Mr. Harrington, who was on the stand less than 10 minutes, said Sonoma County authorities were not informed of Mr Baron's relocation in this area.

He said it was not the government's "policy" to inform local authorities of such things.

The next witness was Dennis M. Condon, a special agent for the FBI from the East Coast, who said he was informed by "confidential sources" that Mr Baron's life "was in serious jeopardy" after he testified against the Mafia.

Killers

He said that in January of last year the FBI received information "two individuals were coming to the San Francisco area to kill someone."

Mr. Condon, who said he's known Mr. Baron for some time, said "we did not know the identity of the intended victim," but it was believed the victim was to be Mr. Baron.

He said he "advised" Mr. Baron of the impending danger at that time.

Mr. Baron yesterday testified he talked to Mr. Condon while he was in jail in Massachusetts in July of 1970.

Mr. Fahey asked Mr. Condon if at that time Mr. Baron told him he was negotiating with the Mafia to change the testimony he had given against the Mafia in 1968.

"I respectfully decline to answer that question upon instructions from the attorney general of the United States," Mr. Condon replied.

District Attorney Hyland remarked, "We'll respect that," and no further questions were asked of the witness

FBI Agent Rico also testified he knew of attempts on Mr. Baron's life by the Mafia and told Mr. Baron about them.

He said he recalled he told Mr. Baron that "we had information one of his friends was murdered by the Cosa Nostra and that they were intending to kill him."

Mr. Rico said he was the one who informed Mr. Baron that the Mafia, during their trials in 1968, had blown up Mr Baron's attorney's car with the attorney in it. The attorney lost one leg and part of another.

"I told him this pointed out the seriousness of their efforts," Mr. Rico said.

On cross examination, Mr. Fahey asked him if Mr. Baron had indicated to him last year that he was negotiating with the Mafia to change his 1968 testimony.

Mr. Rico did not claim the same privilege as Mr. Condon, but replied that Mr. Baron hadn't

Meanwhile, Mr. Fahey attempted to impeach Mr. Baron by producing three letters which he wrote shortly after he was slaying in October of last year charged with the Clay Wilson slaying in October of last year.

One was addressed to Mr. Hyland, another to Gov. Ronald Reagan, and a third to his neighbor, Mrs. Nancy Wilson.

Mr. Baron acknowledged that in the letters he denied any connection with Mr. Wilson's killing and contended he was being "framed" by Ray Pinole, whom he accused of doing the actual killing

The prosecutor's purpose for reading the letters was to show prior inconsistent statements and that Mr Baron at first did not claim self defense as he did in the courtroom.

Mr. Fahey also produced an affidavit Mr. Baron signed on July 28, 1970, while he was in Walpole State Prison.

Recant?

The affidavit, drawn up by Attorney F. Lee Bailey, was the one in which Mr. Baron said he wanted to recant some of the testimony he gave at the 1968 Mafia trial.

Mr Baron acknowledged he signed the affidavit under oath and that it does say, "I wish to recant" testimony he gave against Tameleo, Limone, Salvati and Green and that the "testimony I now offer . . . will be the whole truth known to me."

Asked if he ever recanted his testimony, Mr. Baron replied, "Never . . . I said I refused to recant."

"Are you saying that what you said in this affidavit is not true?" Mr. Fahey asked.

Mr. Baron did not respond.

"Did you later indicate to the authorities that that document was not true?"

After a long pause, Mr. Baron replied, "I didn't deny it. I signed it. I refused to recant. . . . That it wasn't true? It wasn't clearly understood by me."

Mr Fahey got Mr. Baron to admit that the document was what the Mafia was paying him $500,000 for, but Mr. Baron added, "I was fooling them."

Reconstruction

Mr. Fahey also had Mr. Baron reconstruct, as Mr. Baron did for Mr. Miller last Friday, the shooting of Mr. Wilson near Glen Ellen.

Mr. Fahey called upon Sheriff's Identification Technician Howard Finger, a man about the same stature as the victim was, to play the role of the victim.

In a more vigorous manner than he did Friday, Mr. Baron demonstrated with Mr. Finger how he wrenched the gun away from Mr. Wilson and knocked him to the ground, ending up with the victim's gun in hand.

The only difference in the re construction was that Mr. Baron fell on top of Mr. Finger in the courtroom and he said he did not fall on top of Mr Wilson in Glen Ellen

Mr. Fahey completed his cross-examination of Mr. Baron by getting him to admit that he was convicted of two felonies on Jan 25, 1967, in Suffolk County Mass.

One conviction, he admitted was for carrying a double-edged knife in a car and the other was for illegally carrying a gun.

He said he was sentenced to not less than four years and no more than five years in prison given credit for 118 days he'd served prior to sentencing and actually got out of jail on Sept 19, 1970.

After that, he said, he was moved around under the protective custody of the government until April, 1969, when he was relocated in Santa Rosa.

Mr. Miller also called his investigator, Greg Evans, who testified he and Mr. Miller talked to William Geraway at Walpole State Prison in June of this year

Mr. Geraway previously testified Mr. Baron told him he murdered Clay and that he then informed on Mr. Baron to the authorities.

Mr. Evans testified Mr. Geraway, a convicted murderer, told him he received his information about the Wilson murder from Ronald Cassesso, who was at Walpole's death row at the time.

Mr. Geraway, Mr. Evans said, said he was being bribed by the Mafia to inform on Mr Baron because the Mafia wanted to "degrade" Mr. Baron "because of pending court action involving Patriarca.

Mr. Baron yesterday again denied he told Mr. Geraway about the Wilson killing. He acknowledged that for a time the Mr. Geraway was a good friend of his, and even wrote him a poem, but that he did not trust him "to that extent."

# Baron's Ex-Attorney Takes Stand

By RONY SALUDES

East Coast attorney, who represented Joseph Baron when he testified against the Mafia in 1968, marked the 39-year-old defendant's murder trial Friday.

Friday's proceedings also were highlighted by a long-distance phone call by the court to the East Coast to Attorney Jack Zalkind, the prosecutor of the trial in question—the Edward (Teddy) Deegan Murder Case.

Public Defender Marteen Miller rested Mr. Baron's case after calling John E. Fitzgerald, Mr. Baron's former attorney who said the Mafia tried to execute him by blowing up his car on Jan. 30, 1968.

Mr. Fitzgerald, of course, survived the blast, but lost one leg and part of another. He limped to the stand with the aid of a cane.

Mr. Miller completed Mr. Baron's defense quickly Friday after Superior Court Judge Joseph P. Murphy Jr. rejected various evidence and testimony proposed by the defense.

The trial was recessed until 10 a.m. Tuesday when the prosecution will begin it's rebuttal. Chief Deputy District Attorney Ronald Fahey would not affirm nor deny reports one of his rebuttal witnesses will be famed

(Continued on Page 3A, Col. 1)



# The Defense Rests In Baron Trial

Continued from Page 1A

ast Count Attorney F. Lee Bailey.

The defense Friday called Attorney Fitzgerald for the sole purpose of impeaching convicted Massachusetts murderer William Geraway.

Geraway, one of the prosecution's star witnesses, testified Mr. Baron told him he had "murdered" Clayton Wilson and wanted him to come to Sonoma County to rebury the body.

After stating he knew Geraway, Mr. Fitzgerald was asked by Mr. Miller if he had an opinion of Geraway's "truth and veracity."

"Pathological Liar"

"Mr. William Geraway," Mr. Fitzgerald replied, "is considered to be a pathological liar."

On cross-examination, District Attorney Kiernan Hyland got Mr. Fitzgerald to state he represented Mr. Baron from 1965 to 1968 and represented him during the 1968 Deegan Murder trial in Boston, Mass.

He said he represented Mr. Baron in the capacity of a "defense attorney," but he was not permitted to state whether at the time Mr. Baron was charged with a crime.

"Did some horrible accident happen to you during this time?" Mr. Hyland asked.

"It wasn't an accident," Mr. Fitzgerald replied.

He testified his car was bombed on Jan. 26, 1968, on order's from Raymond Patriarca, head of the New England Mafia, to murder him.

"That's not an opinion," he said. "It's an established fact."

According to earlier testimony, Mr. Baron went on to testify for the Suffolk County district attorney in Boston in the Deegan murder. His testimony was instrumental in convicting six Mafiosos for murder. Four of the men are on death row, and two got life sentences.

Phone Call

Meanwhile, in an unusual proceedings in the judge's chambers, the court took a deposition from Mr. Zalkind through long-distance telephone to Boston.

Judge Murphy administered Mr. Zalkind the oath on the phone and asked him three questions prepared by the defense and three by the prosecution.

The procedure was suggested by Mr. Miller who wanted Mr. Zalkind's testimony to impeach a statement made against Mr. Baron by a prosecution witness, Lawrence Hughes of New Bedford, Mass.

Mr. Hughes testified Mr. Baron told him he had had sexual intercourse with Mr. Wilson's widows an hour after he'd "buried him in the ground and that he (Hughes) had relayed the information to Mr. Zalkind.

Mr. Zalkind was asked, in question propounded by Mr. Miller, if in fact Mr. Hughes had reported Mr. Baron's alleged statement to him.

"No," he replied.

Mr. Fahey's questions elicited from Mr. Zalkind that he's primarily a private attorney and that he does not work fulltime with the Boston district attorney's office.

He confirmed he prosecuted the Mafia members in the Deegan murder trial, that he had spoken to Mr. Hughes and that Mr. Hughes was placed in protective custody in 1970 and 1971.

Mr. Zalkind was asked if there were any criminal charges pending against Mr. Hughes in the New England area.

"I cannot answer that," he replied.

The deposition was taken down by a court reporter and will be read to the jury on Tuesday.

Transcripts

Meanwhile, Mr. Zalkind requested the court to forward to him transcripts of the full testimony given here by Geraway, Mr. Baron and Mr. Hughes. He did not state the reason for his request.

Mr. Miller also called Brian Smith Fiskle, a forensic toxicologist from San Jose, who testified a person under the influence of seconal, a depressant, would have a "tendency to release his inhibitions. He would be uninhibited."

Mr. Baron testified he'd witnessed Mr. Wilson take several seconal capsules some hours before the killing in Glen Ellen.

Mr. Fiskle also testified he reconstructed torn pieces of paper in a pill vial found on Mr. Wilson's body and determined it was a drug prescription.

The judge, however, refused to permit him to testify that the prescription was for Ritis, a drug prescribed for the treatment of drug addicts.

On cross-examination, Mr. Fiskle acknowledged that the physical ability of a person under the influence of seconal would be "impaired."

The prosecutor apparently was trying to show Mr. Wilson was in a helpless condition when Mr. Baron shot him.

Mr. Miller also called a pharmacist, Theodore Seamans, but he only testified to his name and occupation. He was not permitted to testify when the judge sustained the prosecution's objection to his proposed testimony.

Judge Murphy also rejected a move by Mr. Miller to introduce photographs of an alleged burial site off of St. Helena rd., where Mr. Baron testified he, Mr. Wilson's widow and Franklin Ramos tried to bury Mr. Wilson's body before it was finally buried in Glen Ellen.

The judge also rejected defense testimony of Mrs. Wilson's, ex-husband, Kim Mancini. Mr. Miller wanted to question him about Mrs. Wilson's alleged attempt to poison him last year during their child-custody dispute.

Mr. Miller completed Mr. Baron's defense in five days after calling 16 witnesses. The prosecution took four weeks to complete testimony of 14 witnesses, also, but most of the time was taken by defense cross-examination.

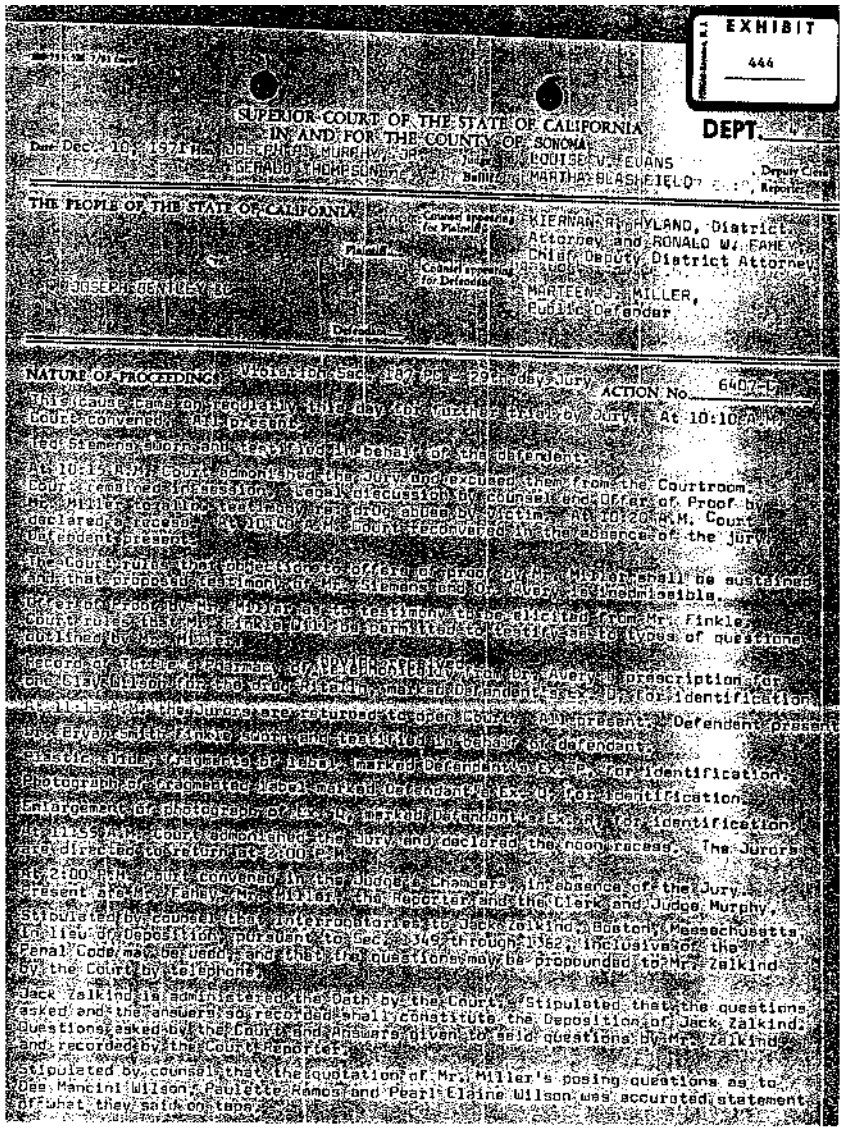


EXHIBIT
444

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SONOMA
DEPT.

Date: Dec. 10, 1971 Hon. JOSEPH G. MURPHY, JR. Judge
LOUISE V. EVANS Deputy Clerk
GERALD L. THOMPSON Bailiff
MARTHA BLASHFIELD Reporter

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff
vs.
JOSEPH GENTILEY, JR. Defendant

Counsel appearing for Plaintiff: KIERNAN RYLAND, District Attorney and RONALD W. FANEY, Chief Deputy District Attorney
Counsel appearing for Defendant: MARTEEN J. MILLER, Public Defender

NATURE OF PROCEEDINGS: Violation Sec. 1871 P.C. - 29th day Jury ACTION No. 6407-L

This cause came on regularly this day for further trial by Jury. At 10:10 A.M. Court convened. All present.

Ted Siemens sworn and testified on behalf of the defendant.

At 10:15 A.M. Court admonished the Jury and excused them from the Courtroom.

Court remained in session. Legal discussion by counsel and Offer of Proof by Mr. Miller regarding testimony of drug abuse by victim. At 10:20 A.M. Court declared a recess. At 10:40 A.M. Court reconvened in the absence of the Jury. Defendant present.

The Court rules that subject to offers of proof by Mr. Miller shall be sustained and that proposed testimony of Mr. Siemens and O. Avery is inadmissible.

Offer of Proof by Mr. Miller as to testimony to be elicited from Mr. Finkle. Court rules that Mr. Finkle will be permitted to testify as to types of questions outlined by Mr. Miller.

Records of Tom's Pharmacy by A. Phonetsky produced by Avery, prescription for one Clay Wilson for the drug Atolin marked Defendant's Ex. D, for identification.

At 11:50 A.M. the Jurors are returned to the Courtroom. All present. Defendant present.

Dr. Avery, Milton Finkle sworn and testified on behalf of defendant.

Plastic tube, fragments of label, marked Defendant's Ex. C, for identification.

Photograph of fragmented label marked Defendant's Ex. B, for identification.

Enlargement of photograph of Ex. B marked Defendant's Ex. A, for identification.

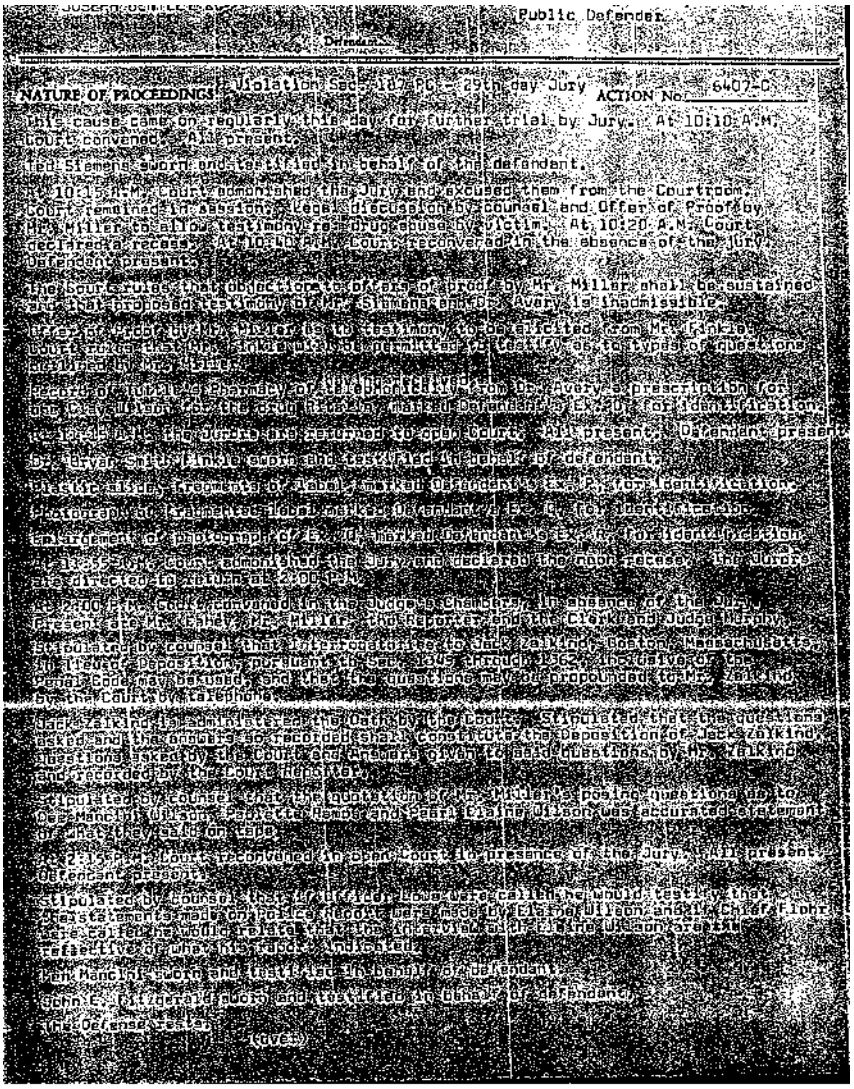
At 1:55 P.M. Court admonished the Jury and declared the noon recess. The Jurors were directed to return at 2:00 P.M.

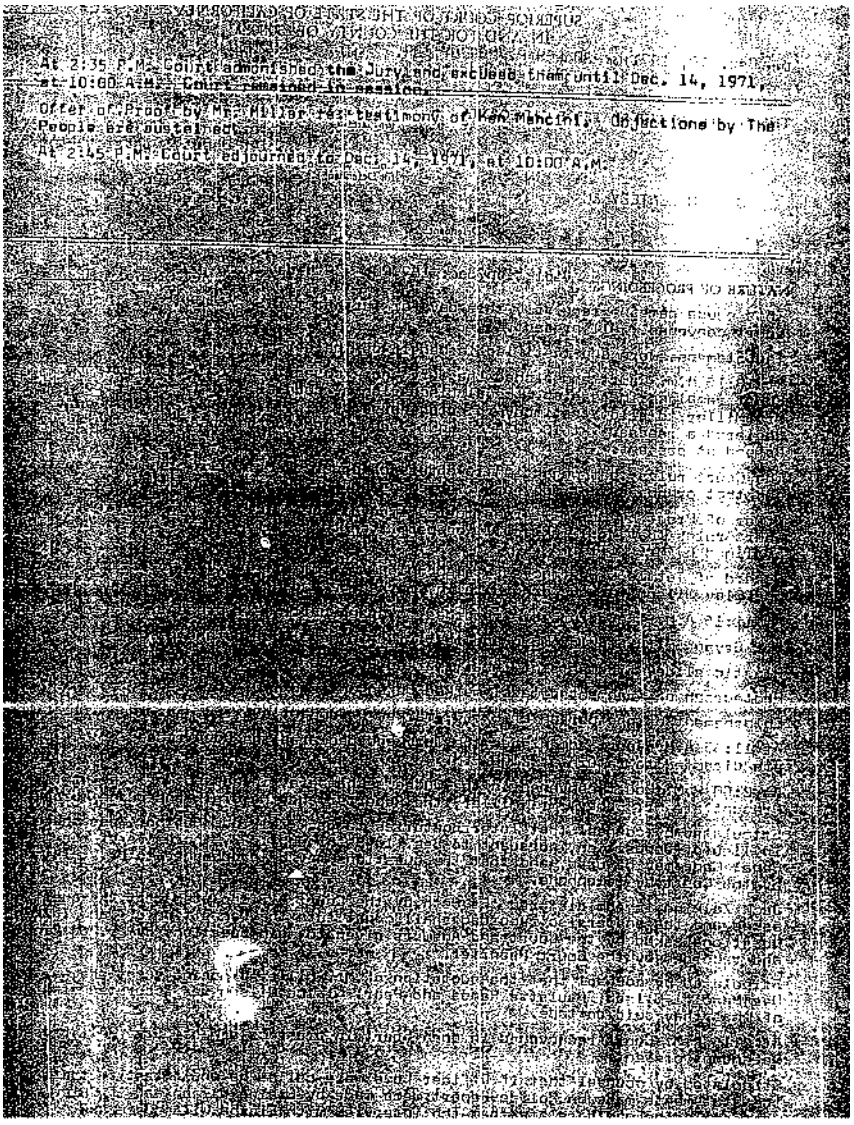
At 2:00 P.M. Court convened in the Judge's Chambers in the absence of the Jury. Present are Mr. Faney, Mr. Miller, the Reporter and the Clerk and Judge Murphy.

Stipulated by counsel that interrogatories to Jack Zalkind, Boston, Massachusetts, in lieu of Deposition, pursuant to Sec. 349 through 352, inclusive of the Penal Code, may be used and that free questions may be propounded to Mr. Zalkind by the Court by telephone.

Jack Zalkind is administered the Oath by the Court. Stipulated that the questions asked and the answers so recorded shall constitute the Deposition of Jack Zalkind. Questions asked by the Court and Answers given to said questions by Mr. Zalkind recorded by the Court Reporter.

Stipulated by counsel that the quotation of Mr. Miller's posing questions as to Dee Mancini Wilson, Paulette Ramos and Pearl Elaine Wilson was accurate statement of what they said on tape.





102-734 SM 7/81 (new)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SONOMA

**DEPT.** 4

Date: Dec. 13, 1971. Hon. JOSEPH P. MURPHY, JR. , Judge LOUISE V. EVANS , Deputy C
GERALD THOMPSON , Bailiff MARTHA BLASHFIELD , Reporter

THE PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff

vs.

JOSEPH BENTLEY &C
Defendant

Counsel appearing for Plaintiff: KIERNAN R. HYLAND, District Attorney and RONALD W. FAHE Chief Deputy District Attor

Counsel appearing for Defendant: MARTEEN J. MILLER, Public Defender

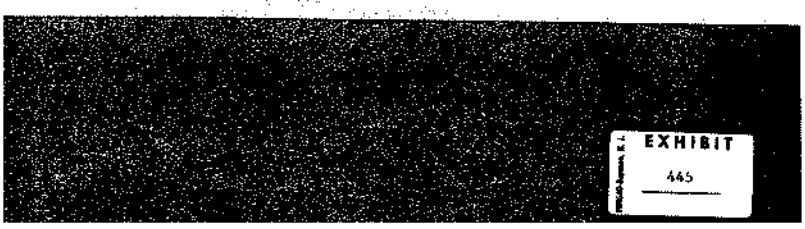
NATURE OF PROCEEDINGS:

ACTION No. 6407-I

This cause came on this day in absence of the jury for change of plea. The defendant will enter a plea of guilty to violation of Sec. 187 PC, murder in the second degree and the District Attorney declares it will accept said plea Defendant is advised of his rights and waives same. Defendant at this time pleads guilty to violation of Sec. 187 PC, murder in the second degree. Defendant being ineligible for probation, waives time for pronouncement of judgment and has no legal cause to show why judgment should not be pronounced against him. The Court pronounces judgment.

IT IS ORDERED BY THE COURT, that defendant be punished by imprisonment in state prison for the term provided by law. Cause is referred to the Probation Officer for a Post-Sentence Report.

Pursuant to stipulation, IT IS ORDERED BY THE COURT, that all exhibits introduced during trial, may be withdrawn.



FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 14 1971

TELETYPE

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, ES
Mr. Calhahan
Mr. Casper
Mr. Conrad
Mr. DaPley
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Tavel
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

WR 015 SF PLAIN

1231AM NNIIBL 12/13/71 FCD SENT 12-14-71

TO: DIRECTOR (92-9828)

BOSTON (92-1132) (87-13606)

NEW YORK (87-60655)

FROM: SAN FRANCISCO (92-2061) (P) 1P

JOSEPH BARON, AKA; ET AL. AR; ITSP.

FOR INFORMATION OF RECEIVING OFFICES, AT APPROXIMATELY TWO O'CLOCK P.M. INSTANT, SUBJECT 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.

AM COPY TO MIAMI.

END

WJM FBI WA ACK TWO TELS

EX-115
REC-21 92-9828-40

3 DEC 14 1971

51 DEC 20 1971

cc Bailey

EXHIBIT
446

# DESCRIPTIVE LIST OF PRISONER

Office of the Warden of State Prison

Deer Lodge, Montana OCTOBER 30, 19 72

In accordance with the requirements of the Consolidated Boards, I have the honor to report:

That* BENTLEY, JOSEPH B 38 509 a prisoner, was received at the prison on the
a/k/a JOSEPH BARBOSA a/k/a JOSEPH BAROS a/k/a JOSEPH WILSON a/k/a JOSEPH MEDEIR
30th day of OCTOBER, 19 72. Convicted of MURDER/2nd DEGREE

Sentenced DECEMBER 14, 19 71 Term of sentence is FIVE YEARS TO LIFE years, and months.

Crime committed in SANTA ROSA Town, SONOMA (CALIFORNIA) County,

Plead Guilty? YES Stand trial? NO Was the sentence fixed by the jury or Court? COURT

Data of crime CRIME COMMITTED: JULY 1, 1970

Number of previous convictions in this or any other state MASSACHUSETS (3) CALIFORNIA (1)

Military Service NONE

Where and by whom employed previous to coming to Montana INCARCERATED -FOLSOM STATE PRISON/ CAL

Date of arrival in Montana OCTOBER 30, 1972, and by whom employed since arrival

INCARCERATED U.S.M. INTERSTATE CORRECTIONAL COMPACT Social Security Number UNKNOWN
TRANSFER INMATE

If married, wife's address KENTUCKY No. of Children TWO

Names and addresses of parents JOSEPH BARBOSA NEW BEDFORD, MASS. [redacted]

Born at NEW BEDFORD State of MASSACHUSETTS Foreign Country ----

Descent PORTUGUESE Age 40 (9-20-32) Height 70" Weight 185

Eyes BROWN Hair BLACK Teeth GOOD Complexion SWARTHY

Features ROUND Build STOCKY Education 8 GRADES

Occupation COOK & BAKER Religion JEWISH Shoe size 10½ D

Health of convict, whether free from disease GOOD

Use Tobacco YES Marks, Scars, Etc TATTOOS: NAME "JOE" RIGHT FOREARM/"BORN TO LOS AND "1952". RIGHT BICEP/ BOXING GLOVES,LEFT BICEP/ SCAR,LEFT BICEP/ MOLE, KNIFE CHEST/

Date of regular expiration

(*) Full Name of Prisoner to be Inserted Here

-BENTLEY, JOSEPH ALCOHOL: NO DRUGS: NO

EXHIBIT
447

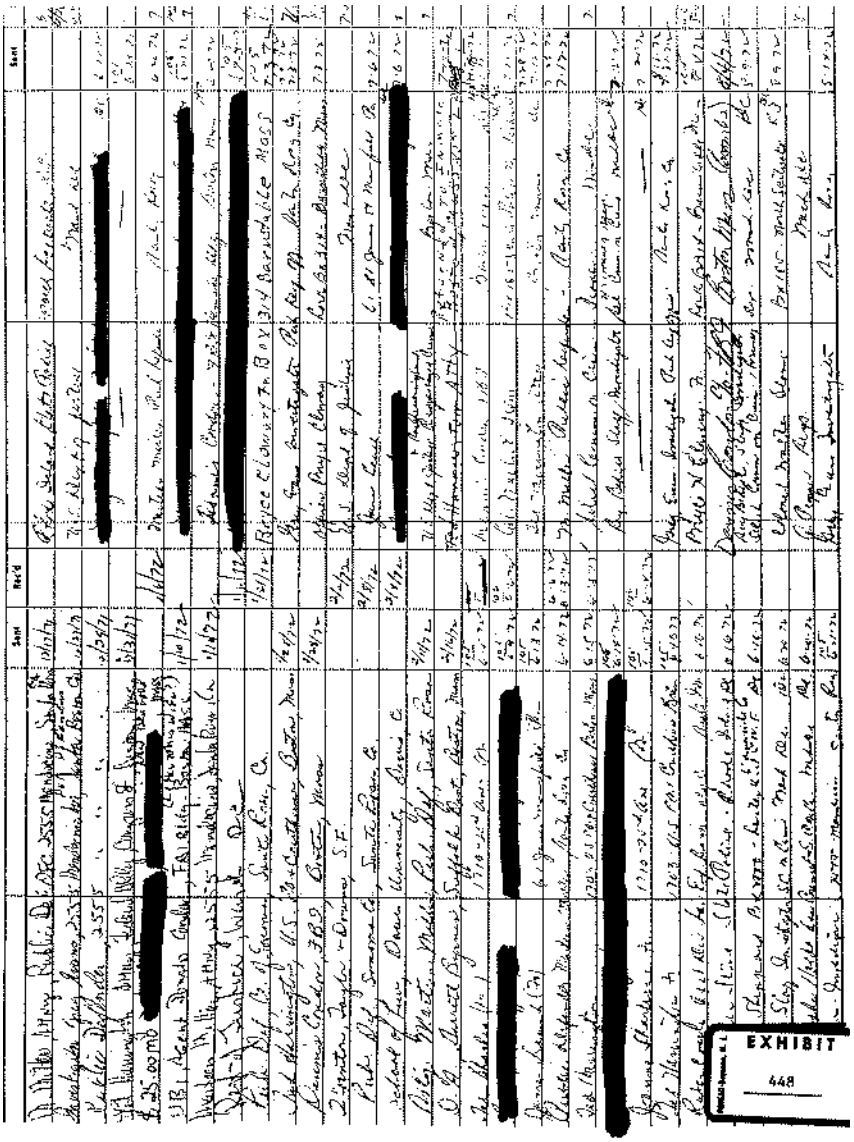


EXHIBIT
448

# U.S. Agents Testify

(Continued from Page 1)

for Mr. Baron prior to and for a year after he was a prosecution witness.

### Came to S.R.

Mr. Harrington said he received information from federal sources that Mr. Baron's life subsequently was "in danger," and that the government provided him with a new identity, Joseph Bentley, and relocated him in Santa Rosa.

Quizzed briefly by District Attorney Kiernan Hyland, Mr. Harrington, who was on the stand less than 10 minutes, said Sonoma County authorities were not informed of Mr. Baron's relocation in this area.

He said it was not the government's "policy" to inform local authorities of such things.

The next witness was Dennis M. Condon, a special agent for the FBI from the East Coast, who said he was informed by "confidential sources" that Mr. Baron's life "was in serious jeopardy" after he testified against the Mafia.

### Killers

He said that in January of last year the FBI received information "two individuals were coming to the San Francisco area to kill someone."

Mr. Condon, who said he's known Mr. Baron for some time, said "we did not know the identity of the intended victim," but it was believed the victim was to be Mr. Baron.

He said he "advised" Mr. Baron of the impending danger at the time.

Mr. Baron yesterday testified he talked to Mr. Condon while he was in jail in Massachusetts in July of 1970.

Mr. Fahey asked Mr. Condon if at that time Mr. Baron told him he was negotiating with the Mafia to change the testimony he had given against the Mafia in 1968.

"I respectfully decline to answer that question upon instructions from the attorney general of the United States," Mr. Condon replied.

District Attorney Hyland remarked, "We'll respect that," and no further questions were asked of the witness.

FBI Agent Rico also testified he knew of attempts on Mr. Baron's life by the Mafia and told Mr. Baron about them.

He said he recalled he told Mr. Baron that "we had information one of his friends was murdered by the Cosa Nostra and that they were intending to kill him."

Mr. Rico said he was the one who informed Mr. Baron that the Mafia, during their trials in 1968, had blown up Mr. Baron's attorney's car with the attorney in it. The attorney lost one leg and part of another.

"I told him this pointed out the seriousness of their efforts," Mr. Rico said.

On cross examination, Mr. Fahey asked him if Mr. Baron had indicated to him last year that he was negotiating with the Mafia to change his 1968 testimony.

Mr. Rico did not claim the same privilege as Mr. Condon, but replied that Mr. Baron hadn't.

Meanwhile, Mr. Fahey attempted to impeach Mr. Baron by producing three letters which he wrote shortly after he was staying in October of last year, charged with the Clay Wilson slaying in October of last year.

One was addressed to Mr. Hyland, another to Gov. Ronald Reagan, and a third to his neighbor, Mrs. Nancy Wilson.

Mr. Baron acknowledged that in the letters he denied any connection with Mr. Wilson's killing and contended he was being "framed" by Ray Pinole, whom he accused of doing the actual killing.

The prosecutor's purpose for reading the letters was to show prior inconsistent statements and that Mr. Baron at first did not claim self defense as he did in the courtroom.

Mr. Fahey also produced an affidavit Mr. Baron signed on July 28, 1970, while he was in Walpole State Prison.

### Recant?

The affidavit, drawn up by Attorney F. Lee Bailey, was the one in which Mr. Baron said he wanted to recant some of the testimony he gave at the 1968 Mafia trial.

Mr. Baron acknowledged he signed the affidavit under oath and that it does say, "I wish to recant" testimony he gave against Tameleo, Limone, Salvati and Crero and that the "testimony I now offer . . . will be the whole truth known to me."

Asked if he ever recanted his testimony, Mr. Baron replied, "Never . . . I said I refused to recant."

"Are you saying that what you said in this affidavit is not true?" Mr. Fahey asked.

Mr. Baron did not respond.

"Did you later indicate to the authorities that that document was not true?"

After a long pause, Mr. Baron replied, "I didn't deny it. I signed it. I refused to recant . . . That it wasn't true? It wasn't clearly understood by me."

Mr. Fahey got Mr. Baron to admit that the document was what the Mafia was paying him $500,000 for, but Mr. Baron added, "I was fooling them."

### Reconstruction

Mr. Fahey also had Mr. Baron reconstruct, as Mr. Baron did for Mr. Miller last Friday, the shooting of Mr. Wilson near Glen Ellen.

Mr. Fahey called upon Sheriff's Identification Technician Howard Finger, a man about the same stature as the victim was, to play the role of the victim.

In a more vigorous manner than he did Friday, Mr. Baron demonstrated with Mr. Finger how he wrenched the gun away from Mr. Wilson and knocked him to the ground, ending up with the victim's gun in hand.

The only difference in the re construction was that Mr. Baron fell on top of Mr. Finger in the courtroom and he said he did not fall on top of Mr. Wilson in Glen Ellen.

Mr. Fahey completed his cross-examination of Mr. Baron by getting him to admit that he was convicted of two felonies on Jan. 25, 1967, in Suffolk County, Mass.

One conviction, he admitted, was for carrying a double-edged knife in a car and the other was for illegally carrying a gun.

He said he was sentenced to not less than four years and no more than five years in prison given credit for 113 days he served prior to sentencing and actually got out of jail on Sept. 19, 1970.

After that, he said, he was moved around under the protective custody of the government until April, 1968, when he was relocated in Santa Rosa.

Mr. Miller also called his investigator, Greg Evans, who testified he and Mr. Miller talked to William Geraway at Walpole State Prison in June of this year.

Mr. Geraway previously testified Mr. Baron told him he murdered Clay and that he then informed on Mr. Baron to the authorities.

Mr. Evans testified Mr. Geraway, a convicted murderer, told him he received his information about the Wilson murder from Ronald Cassesso, who was in Walpole's death row at the time.

Mr. Geraway, Mr. Evans said, said he was being bribed by the Mafia to inform on Mr. Baron because the Mafia wanted to "degrade" Mr. Baron "because of pending court actions involving Patriarca.

Mr. Baron yesterday again denied he told Mr. Geraway about the Wilson killing. He acknowledged that for a time the Mr. Geraway was a good friend of his, and even wrote him a poem, but that he did not trust him "to that extent."

J. STRILPERY
SHERIFF

County of Sonoma
Sheriff's Office
2355 MENDOCINO AVENUE
SANTA ROSA, CALIFORNIA 95401
TELEPHONE 707 - 527-2511

J. S. GOZZOLINO
UNDERSHERIFF

January 14, 1972

Mr. William R. Geraway
State Prison D.S.U.
South Walpole, Mass. 02071

Dear Mr. Geraway:

I am writing to thank you for the cooperation and assistance you gave the citizens of the County of Sonoma regarding the murder trial of Clayton R. Wilson who was killed by Joseph Barboza Baron.

On September 25, 1970, you wrote a letter addressed to the Chief of Police of Santa Rosa, California. In that letter you identified Mr. Baron as a former Boston Loan Shark and a Hit Man for the Boston Mafia. You informed us that he had murdered a man and buried the body with the help of a female. You stated that there were two witnesses to the murder who were within fifty feet of the subject when he was killed. These facts, stated to us by you, were truth and were consistent with the statements and evidence found after your communication.

After receipt of your letter, interviews were conducted with you by Mr. Cameron of our District Attorney's Office and Mr. Flohr, Chief of Police of Santa Rosa. At that time you stated to Mr. Cameron that the subject murdered by Baron was a Clay Wilson. You stated that he had been shot in the head, had been bound by a rope, and buried in a shallow grave, being covered with only a foot or so of earth. Also furnished at that time was a diagram regarding the location of the two witnesses's residence, the witnesses's names and descriptions of the witnesses's vehicles. You named the children and animals belonging to the witness and wife of the murder victim, Wilson. All of these statements made by you at that time were truthful and factual.

The murder victim was located with the assistance of one of the witnesses just as you indicated several days prior and Mr. Baron was prosecuted in the County for murder.

Again, I thank you for your cooperation in this matter.

Sincerely,

Tim R. Brown
Detective Sergeant

TRB/cc

EXHIBIT
454

(1A)

Boston Field Office
Organized Crime and Racketeering Section
1703 U.S. P.O. & Courthouse
Boston, Massachusetts 02109

EFH:ded

January 19, 1972

Mrs. Lois Eggers
Correctional Counselor I
Reception-Guidance Center
California Medical Facility
Vacaville, California 95688

Dear Mrs. Eggers:

This is in reference to your letter dated January 7, 1972, relating to Joseph Bentely (Your Ref.: B-38509). It is the judgment of this office that the development of Bentely 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. Bentely's testimony in federal court resulted in the conviction of Raymond L. Patriarca, the syndicate boss in the New England area, Henry Tameleo, syndicate underboss in the New England area, and Ronald Cassesso, underworld enforcer. His testimony in the State Court of Massachusetts resulted in the conviction of Peter Limone, a syndicate leader in Boston, Massachusetts, syndicate enforcers Louis Grieco, Joseph Silvati and Roy French, as well as Tameleo and Cassesso again.

The federal prosecution involved the conspiracy to murder one Willie Marfeo, a Providence, Rhode Island gambling figure to further an illegal gambling enterprise; while the state prosecution involved the first-degree murder of one Edward Deegan, a Boston loanshark.

It is the United States Government's desire that the State of California place Bentely in a constructive correction program designed for his ultimate release as a contributing member of society. He is an excellent chef and has received some schooling in this vocation. The government also requests that Bentely's significant contribution to law enforcement in the organized crime field be weighed when his eligibility for parole is considered.




BSF-00859

If there is any way that this office can be of assistance to you in your guidance of Bentsly through the rehabilitation process, please do not hesitate to ask.

Very truly yours,

EDWARD F. HARRINGTON
Attorney in Charge

ROBERT H. QUINN
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF THE ATTORNEY GENERAL
STATE HOUSE, BOSTON

March 7, 1972

Joseph D. Ward, Senator
Third Worcester District
Massachusetts Senate
Commonwealth of Massachusetts
State House
Boston, Massachusetts 02133

Dear Senator:

Reference is made to your letter of February 9, 1972 enclosing the photostat of a letter addressed to you from William Geraway, an inmate of Walpole Prison.

Mr. Geraway has previously written to this office regarding Joseph Baron and in his letters also referred to correspondence and interviews he had with representatives of numerous county, state, and federal agencies, as well as private attorneys.

Upon receipt of the correspondence from Mr. Geraway, contact was made with the district attorneys involved and it was determined investigations were being conducted by the District Attorneys of Suffolk County, Norfolk County, and the Federal Bureau of Investigation.

In view of the action being taken by the agencies involved, and to avoid any interference with current investigations, no direct action has been undertaken by this office with regard to Mr. Geraway's allegations.

Thank you for calling this to my attention and with kindest personal regards, I am,

Sincerely,

Robert H. Quinn
Attorney General

RHQ/mg

EXHIBIT
467

EFH:ded

March 8, 1972

Mr. T. E. Fahey
Correctional Counselor II
Department of Corrections
Post Office Box 1031
Tehachapi, California 93561

Dear Mr. Fahey:

Thank you for your letter dated February 25, 1972 relating to Joseph Bentley's conversation with members of your screening committee. This information is of great value to the federal government, as you are aware Bentley's testimony was of great importance in convicting major syndicate figures in the New England area.

I greatly appreciate your taking the time to keep us informed of this matter.

Very truly yours,

EDWARD F. HARRINGTON
Attorney in Charge



1703 U.S. P.O. & Courthouse
Boston, Massachusetts 02109
May 17, 1972

Mr. Joseph Bentley, B-38509
California Correctional Institution
at Tehachapi
Post Office Box 1031
Tehachapi, California 93561

Dear Joe:

I received your letter dated May 7, 1972. I will be very happy to talk to the individual involved in the writing of your book and, when he is in the area, I will introduce him to other individuals who would have background information relating to your career.

I hope that the book has a financial success so as to provide you the opportunity to make a new start when your present term is completed.

Sincerely,

Ted Harrington



# ORGANIZED CRIME IN SPORTS (RACING)

## HEARINGS

BEFORE THE

United States Congress House.

## SELECT COMMITTEE ON CRIME,

## HOUSE OF REPRESENTATIVES

NINETY-SECOND CONGRESS

SECOND SESSION

MAY 9–11, 15–18, 22–25, 30, 31; JUNE 1, 7, 13–15; JULY 18–20, 25–27, 1972

WASHINGTON, D.C.

PART 1 OF 4 PARTS

Printed for the use of the Select Committee on Crime
(Created pursuant to H. Res. 115)

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Mr. CARSON. To clarify that, too, subsequently unfortunately his wife divorced him. And his wife told me one day, she said, "Mr. Carson, Jim actually thought that Furcolo would never sue, he would be afraid to bring the name of Furcolo in court on a thing like this because that would reflect on Foster, the Governor, right off the bat. Where Jim made the mistake," she said, "he thought that Furcolo would never sue."

Maybe he did, I couldn't read the man's mind.

Mr. PHILLIPS. In other words, that is what Mr. Reed's wife told you; is that correct? She said that his opinion was that because Furcolo was the father of the Governor——

Mr. CARSON. Jim thought he would never dare to sue.

Mr. PHILLIPS. He would never go into court in that situation?

Mr. CARSON. On account of the publicity.

Mr. PHILLIPS. Thank you.

No further questions.

Chairman PEPPER. Any further questions?

Thank you very much, Mr. Carson. You are excused.

Mr. CARSON. Mr. Chairman, I don't know who the gentleman is up there that I tangled with, but I do want to apologize. I flew off the handle. But after all he did badger me. I didn't mean to do that, but I want to apologize, because I respect the committee.

Chairman PEPPER. That was Mr. Waldie.

The record will relay your remarks. Thank you very much.

I am sorry, we have to go back and vote again, and then we have another witness this afternoon.

(A brief recess was taken.)

Chairman PEPPER. The committee will come to order, please.

Counsel, will you call the next witness?

Mr. PHILLIPS. The next witness, Mr. Chairman, is Mr. Angiulo.

Chairman PEPPER. Will you be sworn, please, Mr. Angiulo.

Do you solemnly swear that the testimony you are about to give to the House Select Committee on Crime will be the truth, the whole truth, and nothing but the truth, so help you God?

## STATEMENT OF GENNARO J. ANGIULO, ORGANIZED CRIME FIGURE, NAHANT, MASS.; ACCOMPANIED BY J. BALLIRO, COUNSEL

(Having been duly sworn by the chairman)

Mr. ANGIULO. I do, sir.

Chairman PEPPER. Have a seat.

You may inquire.

Are you accompanied by counsel?

Mr. ANGIULO. Yes, I am.

Chairman PEPPER. Will counsel please give his name, address, and the bar to which he belongs?

Mr. BALLIRO. Attorney J. Balliro, 44 School Street, Boston, Mass. And I am a member of the bar of the Commonwealth of Massachusetts.

Chairman PEPPER. Very well.

Counsel, are you familiar with the duty of an attorney before this committee?

Mr. BALLIRO. I have read your rules this morning, Mr. Chairman.

Chairman PEPPER. You have read the rules. You may advise your



Go ahead.

Mr. ANGIULO. You asked me my name.

Mr. PHILLIPS. Would you please spell it for me.

Mr. ANGIULO. Gennaro J. Angiulo. The first one is G-e-n-n-a-r-o, and the second name is A-n-g-i-u-l-o.

Mr. PHILLIPS. Can you tell me when you first met Mr. Patriarca?

Mr. ANGIULO. Mr. Chairman and representatives, on the advice of counsel, with no intention to impede the progress of any investigation by this committee, I respectfully decline to answer on the ground that the subpena for my appearance, and my answer to the present question, violates my privileges under the Bill of Rights to the Constitution of the United States.

Without waiving other grounds, I wish to give the following specific reasons:

Under the first amendment I refer to my freedom of speech and the right to assembly and association.

Under the fifth amendment, I refer to my privilege against self-incrimination, and to the due process clause of that amendment, because I am obviously a target defendant of this investigation.

Under the ninth amendment, I refer to my right of privacy and to be left alone, sir.

Mr. PHILLIPS. I take it, Mr. Angiulo, you are refusing to answer the question?

Mr. ANGIULO. On the grounds stated, Mr. Counsel.

Mr. PHILLIPS. Mr. Angiulo, you have been subpenaed here to give testimony in relation to your activities with Mr. Patriarca. More specifically, you are here to answer questions about conversations you had with Mr. Patriarca in which you discussed Mr. Patriarca's interests in Berkshire Downs.

Are you prepared to give testimony in relation to those subjects?

Mr. ANGIULO. Mr. Counsel, I will answer to specific questions as advised by counsel.

Mr. PHILLIPS. Mr. Angiulo, tell us whether or not you ever discussed with Mr. Patriarca Berkshire Downs?

Mr. ANGIULO. Mr. Chairman, on the advice of counsel, and with no intention to impede the progress of any investigation by this committee, I respectfully decline to answer on the ground that the subpena for my appearance, and my answer to the present question, violates my privileges under the Bill of Rights to the Constitution of the United States.

Without waiving other grounds, I wish to give the following specific reasons. Under the first amendment I refer to my freedom of speech and right to assembly and association.

Under the fifth amendment, I refer to my privilege against self-incrimination, and to the due process clause of that amendment because I am obviously a target defendant of this investigation.

And on the ninth amendment, I refer to my right or privacy and to be left alone.

Mr. PHILLIPS. Mr. Angiulo, isn't it a fact that Mr. Patriarca had told you that he had over a $200,000 investment in Berkshire Downs.

Are you going to give the same answer?

Mr. ANGIULO. Yes, sir.

him. And if I can have some statement of that assurance from someone, then perhaps I can be in a better position to advise Mr. Angiulo. But I am mindful, and I am sure the chairman and the members of the committee are, as to the purport of the word "possibility."

Chairman PEPPER. For example, suppose I should ask Mr. Angiulo the question, does he know whether or not Mr. Patriarca at any time after December 6, 1961, had any connection with the Berkshire Downs racetrack in Massachusetts, either as an officer, a director, or a stockholder? Is there anything about that that would incriminate Mr. Angiulo?

Mr. BALLIRO. I am not in a position to determine whether or not he could not possibly be incriminated as a result of his answer to that question. And I think that that burden is not his to show.

Chairman PEPPER. Then your position is that you will advise your client to respond as he has responded to any question that we may ask him?

Mr. BALLIRO. My position, Mr. Chairman, would be that the answer to that question could possibly incriminate him.

Chairman PEPPER. If he claims the privilege of the fifth amendment he is entitled to claim it.

Mr. BALLIRO. Thank you, sir.

Chairman PEPPER. Are there other questions?

Mr. Steiger.

Mr. STEIGER. Mr. Chairman, perhaps the gentleman could respond to this without violating the first, the fifth, or the ninth amendments.

Incidentally, I will tell you, counsel, in my experience it is the first invocation of the first and the ninth. As Mr. Rangel, I find it interesting.

Do you know of the firm known as Emprise, Sportservice, or the Jacobs family? Are you familiar with that family?

Mr. ANGIULO. My answer, sir, would be the same as previously stated.

Mr. STEIGER. With the chairman's permission, I must confess that this member is at a loss to see what possible jeopardy an acquaintance with a public firm, the knowledge of the existence of a public firm, what jeopardy that could place this gentleman in.

Would counsel respond to that?

Mr. BALLIRO. It seems to me, Mr. Steiger, that were he to respond to that, in accordance to your request, then I may very well be doing that what I seek not to do, and that is to incriminate Mr. Angiulo. I don't think I can be called upon to give the reasons for my advice to Mr. Angiulo. That defeats the purpose of the fifth amendment.

Mr. STEIGER. Counsel, I am not requiring you to do anything. I am simply asking, for my own edification, how the knowledge of the public entity could represent jeopardy to your client?

Mr. BALLIRO. The fact that it might possibly, I feel, is sufficient to invoke the fifth amendment.

Mr. STEIGER. Am I to assume, then, counsel, that your response to my question about Sportservice or the Jacobs family would evoke the same attitude from you about any question with regard to that?

Mr. BALLIRO. I think that inference would be warranted from his previous answers, yes, sir.



Mr. STEIGER. And it is your feeling, at least, that the mere knowledge of Emprise, Sportservice, would tend to incriminate your client?

Mr. BALLIRO. Not necessarily the mere knowledge of it, but the fact that that answer might be one in a chain of answers that might possibly incriminate him.

Mr. STEIGER. Mr. Angiulo, there was a gentleman named Barboza who testified before this committee, and his testimony was made available to your counsel, I believe, and I think to you; is that not so?

Mr. BALLIRO. That is not so, Mr. Steiger, it wasn't made available to either one of us.

Mr. STEIGER. Are you aware that Mr. Barboza testified before this committee?

Mr. ANGIULO. Yes, sir.

Mr. STEIGER. Are you aware of the general nature of that testimony?

Mr. ANGIULO. Yes, sir.

Mr. STEIGER. Would you care to comment on the accuracy of that testimony in general at this point?

Mr. ANGIULO. No, sir; I would not.

Mr. STEIGER. Mr. Barboza, among other things, claimed he had been responsible for the murder of some 26 or 27 people. From what you know of Mr. Barboza is that an accurate statement?

Mr. ANGIULO. From what I know?

Mr. STEIGER. Yes, sir.

Mr. ANGIULO. From what I have read in the newspapers I am led to believe that he told you exactly the truth; that he might have just killed 26 men.

Mr. STEIGER. Mr. Barboza also made reference to Mr. Sinatra's fronting for some people in New England in a hotel in Miami. Do you have any reason to have an opinion on that particular statement of Mr. Barboza's?

Mr. ANGIULO. No, sir.

Mr. STEIGER. You have no reason to have an opinion. Do you have an opinion?

Mr. ANGIULO. No, sir.

Mr. STEIGER. Have you ever met Mr. Sinatra?

If you don't want to answer it, fine, I understand your reasons.

I assume for the purpose of the record your answer would be the same as that which you previously stated was upon the advice of counsel?

Mr. ANGIULO. Yes, sir.

Mr. STEIGER. Mr. Chairman, I have no further questions.

Chairman PEPPER. Are there any other questions?

Mr. Angiulo, have you ever been to the Berkshire Downs racetrack?

Mr. ANGIULO. My answer would be the same, Mr. Chairman, as previously stated.

Chairman PEPPER. Have you ever seen Mr. Patriarca at the Berkshire Downs racetrack in Massachusetts?

Mr. ANGIULO. Mr. Chairman, my answer would be the same as previously stated.

Chairman PEPPER. Mr. Waldie?

Mr. WALDIE. Mr. Angiulo, our notes do not identify you beyond the criptic designation of New England organized crime figure, and I

So, I just pass that on as something that you or anybody else might consider when you are claiming your constitutional rights as to whether you also have duties as a citizen, where your own rights are not in jeopardy, to try to help do something about this vicious thing we called organized crime in the country.

Thank you.

Mr. ANGIULO. Thank you, Mr. Chairman.

Mr. BALLIRO. Thank you, Mr. Chairman.

Chairman PEPPER. That concludes the witnesses for today. Tomorrow, beginning at 10 o'clock the witnesses that are scheduled will be Mr. Patriarca, Mr. Friedman, Mr. Rizzo, and possibly another witness.

We will adjourn until 10 a.m. tomorrow.

(Whereupon, at 5:20 p.m., the committee adjourned to reconvene at 10 a.m., Wednesday, July 19, 1972.)

A Greek man, we popped his roots in, dislocated his shoulder blade, gave him 16 stitches in his knee, and he got thumped about the head with a sash weight from a window. It was about 20-pound lead weight.

I originally got this from Leo Schwartz, who got it from Peter Lemoine, who was the right-hand man of Jerry Angiulo.

So I refused the $1,000 that was offered to me when it was over. It subsequently led to about $70,000, by refusing that thousand dollars, through other channels.

At the time I was shylocking, I was fighting professionally, and I was shylocking out of a known station and I was an independent operator at that time.

Mr. NOLDE. Could you tell us when you first became involved with Mr. Patriarca, your first connections with them?

Mr. BARBOZA. Well, a couple of people got wiped out and Mr. Patriarca was interested in meeting me because of the fact a couple of people got wiped out.

I went to Rhode Island and met him. I had been on friendly terms with Henry Tamello. I met Henry Tamello because of an incident that occurred down at Ebb Tide, where my partner, who was Guy Frizzi, his brother got beat up down at Ebb Tide by the Ventola brothers. I went down to Arthur's Farm in Revere and I got to talking with one of the Ventola brothers and beat him up with a bat. The "office" which I referred to is Raymond Patriarca's family in New England, the office had walked into the Ebb Tide, in the way of 20 percent, by protecting the place.

So that he got beaten up at Arthur's Farm with the bat, Veroni Cascisco called me up and asked me if I would forget about the incident. I said, "I am only here in the way of strength." I said that me and Frizzi got hit down at the Ebb Tide. Guy Frizzi is my partner and Carnie Frizzi is hooked up with the office, so that they will speak. I said, again I reiterated the fact I was merely there on a show of strength. I said that Louie Grecco and Carnie Frizzi were down on Shirley Avenue in Swanson's Delicatessen talking to Henry Tamello in regards to making peace over the incident.

So Carnie Frizzi came back and said that the beef was all straightened out, and Henry Tamello wanted to meet me down at Ebb Tide, wanted to speak to me. So I went down there.

He said that this was the hazard of having "squares" and "weak" people brought into their business, and so forth, that they moved on, they brought their protection, and so forth, that once they got their strength, they started talking out the side of their mouths.

So he said that this would never happen again. So in the meantime, when I hit Arthur Ventola with the bat, Julian Ventola had took off for 3 weeks and was hiding in Florida. He didn't know that arrangements had been made between Henry Tamello and I, and that during that 3 weeks, Henry Tamello and I became very friendly and had been going down to the Ebb Tide every night.

Now, when Julian Ventola came back 3 weeks later, he saw me walk in the place and got to Henry Tamello and he said he wanted me out of there.

[redacted]

A would never be insulted again. He still said, "It doesn't make no difference, I want you out of here."

I said, "Let's go in the back kitchen and talk."

We went in the back kitchen and he started to running his mouth again and he stuck his hands in his pocket fast. When I saw he stuck his hand in his pocket fast, I stuck a pistol at his throat, under his neck.

I asked, "What you got in your pocket? Bring it out slow." And he had a roll of dimes.

Richard Castucci, his nephew, who was actually the brains behind the Ebb Tide, came in and had a conniption over the fact, when he walked in and saw the pistol on his uncle's neck, and told me it was going to be straightened out. Stated very highly emotional, and he said he was going to straighten it out.

So they bought Julian Ventola out his 20 percent, and they bought his brother Arthur's end out, which was another 20 percent.

Now, the aunt was inside the place, also. She had 20 percent. I had an argument with her a few weeks later over an incident at the Cove, and I chased her out of there. So now the office had 60 percent of the Ebb Tide with Richard Castucci.

During the course of that time, a lot of jockeys from the racetrack, Suffolk Downs, used to go inside the Ebb Tide. They were wined and dined, given the best girls in the place, and so forth, and they didn't have to pay in advance. They had a tab there. They spent freely.

Mr. PHILLIPS. Mr. Barboza, perhaps before you go to that subject matter, we might be able to clarify to some degree the initial incident at the Ebb Tide, which began your association, I take it, with Mr. Tamello. Could you just stop there? Who is Mr. Tamello?

Mr. BARBOZA. Mr. Tamello is currently waiting for the electric chair in Walpole State Prison. He is Raymond Patriarca's right-hand man. The guy is more or less public relations for Raymond Patriarca, smooth talker, the man that has a father image, very sharp minded man, a tremendous personality.

Mr. PHILLIPS. He is your real first association with the Patriarca mob; is that correct?

Mr. BARBOZA. My first association with the Patriarca mob? Actually, no. My first association with the Patriarca mob was with Pete Lamoine, who was the right-hand man of Jerry Angiulo, who represents Raymond Patriarca in Boston.

Mr. PHILLIPS. So your first association was the Boston mob was with Angiulo and Lemoine?

Mr. BARBOZA. With Lemoine——

Mr. PHILLIPS. And that was the contract that involved a labor official.

Mr. BARBOZA. A man that was running for the bakers' union.

Mr. PHILLIPS. What did they want to do to him?

Mr. BARBOZA. They didn't want him to run, so that they wanted him bundled.

Mr. PHILLIPS. They wanted you to beat him up.

Mr. BARBOZA. Beat up.

Mr. BARBOZA. Yes.

Mr. PHILLIPS. Apparently someone wanted to make peace?

Mr. BARBOZA. Henry Tamello.

Mr. PHILLIPS. And they contacted you and said they wanted to make peace; correct?

Mr. BARBOZA. Yes.

Mr. PHILLIPS. What did Henry Tamello say to you about making peace?

Mr. BARBOZA. He didn't say it to me, Ronnie Cascisco called me and said Henry Tamello sent him.

Mr. PHILLIPS. Who is Ronnie Cascisco?

Mr. BARBOZA. He worked at the time for Joe Anselmo, Joe Burns, who ran out of Chester, bookmaking activities. He was part of Raymond Patriarca's family. So that Ronnie Cascisco worked for him.

And he called me up. I had known Ronnie Cascisco very casually at the time he was partners with Romeo Martin, and I met Henry Tamello once before that in June, at a wake. This Tony Brasso got shot in the back of the head, and Henry Tamello came to the wake with Pete Lemolno, Joe Russo, and Jackson, and I was introduced to them. So that was my first time meeting Henry Tamello.

Mr. BRASCO. The delegate, or officer of the Bankers' Union, and this Ventola. Did they survive the beatings?

Mr. BARBOZA. Oh, yes.

Mr. BRASCO. And the $70,000 you made through Leo Schwartz?

Mr. BARBOZA. Leo Schwartz.

Mr. BRASCO. Okay. That $70,000 you made, was that for bundling people, also?

Mr. BARBOZA. No. Primarily shylocking and shakedown and so forth.

Mr. BRASCO. Thank you.

Mr. PHILLIPS. In any event, you and Henry Tamello made peace; is that correct?

Mr. BARBOZA. Yes.

Mr. PHILLIPS. And you told them that peace was going to be made?

Mr. BARBOZA. Yes.

Mr. PHILLIPS. As a result of this peace, Mr. Tamello had a high regard for you and you became more intimate with Tamello?

Mr. BARBOZA. Both of us had a high regard for each other; yes.

Mr. PHILLIPS. No other questions at this time. Thank you.

Mr. NOLDE. You mentioned shylocking or loan sharking. Would you describe the shylocking or loan sharking operation?

Mr. BARBOZA. Yes. I would take a hundred dollars and give it to a person and he would pay me $5 a week interest on this $100 that I would give him. In other words, I would say, "Give me $105 back next week." And the person would say, "Here's $5, I want to carry the $100 over till next week." As long as he paid that $5 interest every week, he could hold on to that hundred dollars. Some guys hold on to it maybe 3 or 4 years and just pay $5, and $10 on $200, $15 on $300, $25 on $500, $50 on a thousand.

So that I, in one year's time, with $2,000, I turned $2,000 into $25,000.

And a couple of years later I had $5,500 coming in every week in the way of interest.



Mr. NOLDE. How much money did you have on the street at that point?

Mr. BARBOZA. I had about $70,000.

Mr. NOLDE. And you were getting a return on it every week?

Mr. BARBOZA. Of $5,500 a week.

Mr. NOLDE. How many men did you have working for you by that time?

Mr. BARBOZA. I had a partner and then I had four other guys working for me. I had one of them, I gave money to start a shylock out of Potts Square, the Statler-Hilton Hotel section, and he was working for me. I had two men with me all of the time, and there was another man with me occasionally.

Mr. NOLDE. Did there come a time when you become involved with some jockeys through this shylocking operation?

Mr. BARBOZA. Yes. There was one guy by the name of Marshall Wilder. He was introduced to me by Roy French. He built his loan up to $1,500.

Mr. NOLDE. What did he owe you?

Mr. BARBOZA. He owed me $1,500. There was standard dues on it, $75 a week. He came 8, 9, roughly about 8 or 9 weeks late, and I started to pressure him. I said if he didn't come up with all of it next week, his back interest, he was going to get beaten.

Mr. NOLDE. Where did you put the pressure on him?

Mr. BARBOZA. I was down at Bennington and Brooks Streets' East Bar. Later on that night he was down at the Ebb Tide, and I was down at the Ebb Tide with Henry Tamello. Henry Tamello had heard from him that I was pressuring him for the money, so Henry Tamello called him over to the table and said he was going to pay the debt. And Tamello paid off $1,700.

Actually, it was more than that, it was about $400 he was in arrears, so I told Henry I would take just half of what he was in arrears. So Henry paid the $200 interest and the original $1,500.

Henry later on told me that night he got him, that the man agreed to start pulling horses for him, as far as pulling horses that he was running.

Mr. NOLDE. He was then a currently active jockey at that time?

Mr. BARBOZA. Pardon?

Mr. NOLDE. He was currently then an active jockey?

Mr. BARBOZA. Yes.

Mr. NOLDE. Were there other jockeys you put pressure on?

Mr. BARBOZA. Yes. Jockeys that were Puerto Ricans, Argentineans, and, you know, they all look the same to me, they are little and have long hair. I don't know of any—but one of them particularly that Henry told me to grab, he said the guy owed a $1,500 tab in the Ebb Tide. He owed it to Richard Castucci. He said, "Bring him in and start to pressure him. Bring him in the cloakroom and start to pressure him and I will come in there and I will stop you. Don't hurt him, but just really come on strong."

So I went in there and said, "You owe $1,500," you know, "to the Ebb Tide, Richard Castucci. How come you haven't paid him? You may be a good strong guy, you know, you have all kinds of publicity, you think you are a bad man as far as riding horses," and so forth. "Everybody caters to you but I am not catering to you."

Intermission by 'Knuckles' Donovan," I said "12 o'clock tonight," I said. And also, "Early in the afternoon, at 2 o'clock, I got shook down by the State police in Boston."

I said, "My lawyer, Attorney Ferrezzi, wants me now to have you guys take me down to the station and book me or bring me down to the station and let me go from there. He wants it as a matter of record."

I said, "I am not giving you my name." Tash Bradzo refused to give his name, Mickey Fenio refused to give the same, and Patsy Fabioni refused to give the name.

So when the officer asked for the driver's license, which belonged to Patsy Fabioni, who was driving, I said, "Don't give it to him." And he said, "Give it to him." I said, "No, you don't give it to them." And he said, "I'm arresting him."

I said, "For what?" He said, "Suspicion of carrying a firearm." I said, "Is there such a law, suspicion of carrying a firearm?" And he says, "Yes." He says, "I make it a law."

So we went down to the station. Going down to the station, Bradzo said, "I have a .45 in the glove compartment." And I said, "They are going to find a way to put that in my hand," you know, and I said, "But that's your car, Tash. We are not in trouble."

I said, "We have every opportunity to get rid of it," because I knew addresses that I had on me from Chicago and Florida, and I got rid of a couple of other things. And Tash completely forgot about the .45 in the glove compartment.

So when we get down to the station house, the law has a conniption, told me they found—he whispered in my ear, "They found a gun in the glove compartment."

I said, "I don't know nothing about it." So, in the meantime, I called my attorney, and the attorney said, "Either book them or let them go."

Then we had to go upstairs to get fingerprinted. In the meantime, a detective by the name of Bobby Cisco had opened up the car door with a spoon, and found the gun in the glove compartment, brought it to the headquarters, and said to the policeman in charge, Mr. Molette, that they found a .45 in the glove compartment.

He said, "Bring it back and get a search warrant." They didn't have time to get a search warrant because Tash Bradzo called Ferrezzi again, and Ferrezzi said, "Book them or let them go."

So, Molette said, finally, "We charge you with carrying a firearm."

Mr. Nolde. Could you just tell us if a little while before that you were involved in many jobs with the mob. Could you tell us about some of those? Particularly, the one about the football cards.

Mr. Barboza. I would like to get something clear, first. I have different cases that I have been willing to work with the Government for years on that they never tried. Until that time, there are certain cases I can't talk about now. As far as—I can talk about why a guy got killed, but yet I can't mention on certain cases who did it, because——

Mr. Nolde. Just tell us about the ones you can tell us about.

Mr. Barboza. Well, there was Teddy Degan. Primarily, the reason why he got wiped out was he robbed $82,000 out of a bookmaker's house, by the name of Don Popalo. And also, he killed another fellow by the name of Sacconanio, an Italian, and he pulled a gun down at Ebb Tide.



So, that when Peter Lemoine placed me on it, he offered me $7,500 to take the contract on Teddy Degan. And so, I set up the whole deal, and got Louie Grecco and Roy French to set it up, who was partners and real friendly with Degan. He set them up, and Ronnie Cascisco was in on it, Joe Lehos, whose name was Joe Sevalli, and Peter Lemoine was the one who gave me the contract, and I got the OK from Henry Tameleo, who subsequently got all of the final OK's from Raymond Patriarca.

So Roy French finally said that he was going to pull a score with Degan and another fellow by the name of Satopolous. So I went to Peter Lemoine and told him about Satopolous being there. He offered another $2,500 for Satopolous' death, and Tamello also confirmed that, because he was there when the gun was pulled and had been with Degan regular.

So the back door of a finance company was going to be left open. Roy French and Degan had to walk into the back of this alley where the door was. Satopolous was going to be in our car outside. Inside the doorway was Romeo Martin. In the alley was Louie Grecco, and in walked Roy French.

I was across Broadway on the same street that Satopolous was parked on, in a car with Joe Sevalli, and Ronnie Cascisco with a bullet-proof vest on.

As we walked in the alley, we were supposed to get out of the car and run across Broadway and stand on the corner. As soon as we heard the first shot—I had a .357 magnum and Ronnie did—and Ronnie was going to stay behind me in case Satopolous had a gun and we were going to kill Satopolous. But a police officer, who was in plain clothes, spotted our car with a number plate bent in the back and front when I pulled out. They did a dive, Roy French and Degan. Roy French was very concerned about getting caught in the cross-fire, so he shot Degan in the head first. Louie Grecco opened up, and Martin came out and started firing, and the last potent shot Degan got was when Ronnie bent over and gave him one in the head.

I later on testified on this case, and Peter Lemoine, Henry Tamello, Ronnie Cascisco, and Grecco were given death sentences. Roy French and Joe Sevalli were given life terms in Walpole State Prison.

Mr. Phillips. Before you go on, I think Mr. Nolde asked you how it came that you broke with the mob, and I think that you didn't get a full opportunity to answer that. Apparently you were telling us about an arrest, where you were seized with a gun, and you claimed that wasn't such a great arrest. But in any event, you were arrested. Were you held on high bail?

Mr. Barboza. I was held on $100,000 bail for being present where a gun was found.

Mr. Phillips. At that time, did the office move on you?

Mr. Barboza. Well, while I was in Charles Street Jail with Mickey Fenio, Tash Bradzo had been released and Fabioni had been released. The gang that I travel with went out and secured bail money for me. Corey, who was a bondsman in Boston, and the Baker brothers, who were also bondsmen, the two biggest bondsmen in Boston, they had pressure on them and they weren't allowed to bail me out.

independent operators, these independent operators would get the OK by Patriarca.

Mr. BRASCO. Not to interrupt you, but as I understand it, then, that Patriarca set up a system where he didn't put all of his eggs in one basket; correct?

Mr. BARBOZA. Right.

Mr. BRASCO. While there was a working operation between these independent operators, neither was beholden to the others in terms of following any directions from any other groups. They had the same amount of status with Patriarca, but apparently not with each other. Is that correct?

Mr. BARBOZA. There was 75 men.

Mr. BRASCO. There were 75?

Mr. BARBOZA. Thirty-seven men, a wheel man and hit man, that inside of a half an hour, 37 people, or the people in front of them they would kill and finish. Seven moves could be made in a half-hour in any part of the country, or any part of New England.

Mr. BRASCO. How many were in your group?

Mr. BARBOZA. Well, in my group, there was about 15; but I was connected with the Dearborn Square gang, the Winter Hill gang, and Ronnie Cassisco's gang, and so forth.

Mr. BRASCO. Can we go back to the point as to why these men were killed? Please finish that.

Mr. BARBOZA. Why what men were killed?

Mr. BRASCO. Your partners.

Mr. BARBOZA. Yes, sir.

They were killed because, as I said, Larry Baroni figured that Tash Bradzo now had the strength to revenge his brother's death. Tommy De Pascale had been insulting Larry Baroni and had pushed Sammy Berito in the face.

Now, with the Patriarca situation created, keeping us on the side to take care of any of his members in his operation, they feared us. So the Mafia is great for this, for getting the friend to kill another friend. Well, these 75 operators, you know, they were involved in a gang war and they wouldn't kill each other.

At the time, anyway. So that the office—not Patriarca—but the boss in the office was afraid of these independent operators. They were making moves that the office wasn't used to. They were killing people at bus stops, walking in their houses and killing them, walking in nightclubs and killing them. People were found in backs of trunks with their heads sawed off. People were found in suitcases, dissected. Guys were found floating in the river. There was a lot of hits in Boston and all different types of hits that put a lot of fear into these people that were connected with the office.

Mr. BRASCO. So out of all of this they decided to get rid of the two people that were associated with you; is that what you are saying?

Mr. BARBOZA. Well, the gang war at that time was practically decimated. One side was practically decimated.

Mr. BRASCO. But the killing of these two people who were friends of yours caused you to break with the office?

Mr. BARBOZA. I still waited. It was other things that happened afterwards that prompted me.



Mr. STEIGER. Just one question. Were you an independent operator or were you made in a family?

Mr. BARBOZA. I never took that so-called blood oath, or whatever. But I was an enforcer that kept the enforcers in line.

Mr. STEIGER. Thank you.

Mr. PHILLIPS. You say there were other factors which led you to break with the office, as you put it?

Mr. BARBOZA. Right.

Mr. PHILLIPS. Was one of those other factors the fact that they bombed your attorney?

Mr. BARBOZA. Well, they blew up my attorney's car and he lost his leg. He lost his right leg, and he lost part of—chunks out of his left leg—and today he still picks pieces of steel that come out of his face and body.

Mr. PHILLIPS. Would you just tell us what happened? A bomb was placed in your attorney's car?

Mr. BARBOZA. Yes, originally my car.

Mr. PHILLIPS. It was your car and you gave it to your attorney as a fee?

Mr. BARBOZA. I gave it to him for a C-note. I gave it to him for a thousand dollars. He had an alarm on it. The trunk, the hood, the four doors were bugged, so that if you opened them a siren went off.

Mr. PHILLIPS. Did you have that for your own personal security?

Mr. BARBOZA. Yes. Yes, I did. When I gave him the car, he parked the car a couple of blocks away from his office, and later on, a garage truck pulled up, two men got out with white smocks and grease on their face. They were Stevie Flemmi, my partner, and Frank Salerno, my partner.

They went over to the car and they put two charges of dynamite inside the car. Allegedly—I can use "allegedly" now because it has been used on me—allegedly Frank Balillo was down the street in a car.

So that when Fitzgerald got in his car, the door was left ajar. It wasn't locked, but it wasn't open. It was just half locked. And he turned the key on and he saw the windows crack, shatter in front of him. He felt the tremendous pressure come up toward him and all of a sudden he was thrown out the car. In a matter of seconds, less than a second, another charge went off, much more greater than the first one. And it blew up the car entirely.

His right leg was amputated, and his left leg, chunks taken out of his left leg, and as I said, he is still picking pieces of steel out of his face and body today.

Mr. PHILLIPS. In addition to the lawyer and shooting up the fellows who worked with you, did they make a move on your wife or family?

Mr. BARBOZA. Cathy Sanafani, who is dead now, went down to my house in Swampscott, where I lived at that time, took off the back screen window, and they terrified the family there.

Mr. PHILLIPS. They terrified your family?

Mr. BARBOZA. Right.

Mr. PHILLIPS. Did they also have some type of racket going with nightclubs?

Mr. BARBOZA. Yes. Shook down the Living Room, shook down the Blue Bonnie, shook down Father's Mustache, and the Louis Room down at Revere, and shook down the Diplomat.

Mr. BARBOZA. There were more.

Mr. PHILLIPS. Plus other factors that led you to conclude that these guys were after you and the best way to even the score was to testify against them; is that correct?

Mr. BARBOZA. Right. There was maybe about 20 doublecrossers before I testified against them.

Chairman PEPPER. Mr. Winn, do you have any questions?

Mr. WINN. Thank you, Mr. Chairman.

I would like to follow the line of questioning that Mr. Waldie brought up a minute ago. I think this committee has got to keep the trend of our thoughts on organized crime's infiltration into sports. Let's cover your background.

I believe, sir, that you said you were a professional fighter at one time?

Mr. BARBOZA. Yes; amateur and professional.

Mr. WINN. Did you work for a syndicate as a professional? Who handled you as a professional fighter?

Mr. BARBOZA. Johnny Damireno was my trainer. Eddie Fishbank—I was under contract with Eddie Fishbank. Sam Silverman got me my fights.

Mr. WINN. Were they licensed managers and trainers?

Mr. BARBOZA. Yes.

Mr. WINN. Out of what State or city?

Mr. BARBOZA. Massachusetts, Boston.

Mr. WINN. You keep referring to a show of strength. I gather from your testimony that that is basically where you feel your real power is, because of your background as a fighter. You almost referred to yourself a minute ago, as a superenforcer, because you had numerous enforcers working for you?

Mr. BARBOZA. Not working for me. We were connected together, about 75.

Mr. WINN. And you were in charge of these enforcers?

Mr. BARBOZA. No, I wasn't in charge of them. I had a gang of my own.

The Winter Hill mob gang, the Dearborn gang mob——

Mr. WINN. These are all different gangs?

Mr. BARBOZA. Yes. And I worked with most of them.

Mr. WINN. And you had a gang of your own?

Mr. BARBOZA. Yes.

Mr. WINN. What was the name of your gang?

Mr. BARBOZA. East Boston. We come out of East Boston.

Mr. WINN. You referred to a gentleman well known in the sports field, Bob Cousy.

Mr. BARBOZA. That is right.

Mr. WINN. Who was a great player with the Boston Celtics.

Mr. BARBOZA. Yes, sir.

Mr. WINN. As I remember, you referred to Gene Conley, who I believe was a center for the Boston Celtics; a reserve center, as I remember. I am not sure of the position.

Mr. BARBOZA. Neither am I, sir.

Mr. WINN. Would you refresh my memory? Was this Conley the man that was suspended at one time by the Celtics?



Mr. BARBOZA. I do not know. All I know, he was a former professional baseball player, also.

Mr. WINN. That is right. He played both sports.

Mr. BARBOZA. Yes, sir.

Mr. WINN. Could you give us a little more background on the meeting that you saw and conversation about betting on the Lakers, and four points?

Mr. BARBOZA. Yes, sir.

Mr. WINN. Was this in a bar?

Mr. BARBOZA. This was at the Ebb Tide in Revere. It is a lounge.

Mr. WINN. Were Bob Cousy and Conley there at that time?

Mr. BARBOZA. It was Conley and Babe Parilli.

Mr. WINN. And Conley and Babe Parilli were in that conversation?

Mr. BARBOZA. Yes, sir.

Mr. WINN. Their conversation took about 40 or 45 minutes to decide the Lakers were going to win by four?

Mr. BARBOZA. Yes, sir.

Mr. WINN. And you say if people had bet on the Lakers to win by four, they would have won that bet?

Mr. BARBOZA. I won $100.

Mr. WINN. You won a hundred dollars?

Mr. BARBOZA. Yes, sir.

Mr. WINN. Is this the same Bob Cousy who just recently signed a new contract with the ownership of the Cincinnati Royals Basketball Team?

Mr. BARBOZA. I do not know, sir.

Mr. WINN. You don't know if he is the coach of the Cincinnati Royals?

Mr. BARBOZA. I don't know what he is doing.

Mr. WINN. I believe you will find this is the same Bob Cousy who is the coach of the Cincinnati Royals. They are just now in the process of transferring that ownership, or that basketball team to Kansas City-Omaha, and Cousy has just signed a 1-year contract.

Are you aware that the owner of the Cincinnati Royals, now the Kansas City-Omaha basketball team, is called the Emprise Corp.?

Mr. BARBOZA. No, I am not, Mr. Winn.

Mr. WINN. Thank you, Mr. Chairman.

Chairman PEPPER. Mr. Steiger.

Mr. STEIGER. Thank you, Mr. Chairman.

Mr. Barboza, in your career as a fighter, were you what they called a club fighter? You fight club dates?

Mr. BARBOZA. Yes, sir.

Mr. STEIGER. In the Boston, Mass., area, or did you travel any?

Mr. BARBOZA. I fought mainly in Massachusetts.

Mr. STEIGER. Just a general picture of your impression of the fight game: How long were you in it as a professional?

Mr. BARBOZA. I was in there a couple of years and I had a fighter under contract for a short while. I had different people that would—I would wind up going to the gym a lot.

Mr. STEIGER. What period of time are we talking about? When were you actively involved?

Mr. BARBOZA. I had professional fights in 1958, and I went back to

Mr. STEIGER. You gave them more than that?
Mr. BARBOZA. In other words, I was an enforcer for Raymond Patriarca, and I didn't have to give them no money.
Mr. STEIGER. In other words, rather than money, you acted as an enforcer for them; instead of giving them money?
Mr. BARBOZA. Right.
Mr. STEIGER. Are you aware of any relationship between Patriarca and Frank Sinatra, or Dean Martin?
Mr. BARBOZA. Yes.
Mr. STEIGER. Would you like to tell us about that relationship?
Mr. BARBOZA. Right. Frank Sinatra fronts points for Raymond Patriarca and Jerry Angiulo in the Fontainebleau in Florida and he fronted points for them in the Sands and Tahoe. Frank Sinatra was at a party at the penthouse that Jerry Angiulo had in the Fontainebleau, that Veroni Cascisco, Romeo Martin, and Ralphie Lamattina, and a singer by the name of Bobby Vincent were present at.
Mr. STEIGER. Do you know if Mr. Martin has any points for Patriarca?
Mr. BARBOZA. No, I don't.
Mr. STEIGER. So the only one you knew about was Frank Sinatra?
Mr. BARBOZA. Right.
Mr. STEIGER. It is my understanding, Mr. Barboza, that fronting points means that Mr. Sinatra claimed a percentage of the ownership in the Fontainebleau and the Sands when actually that ownership was held by Mr. Patriarca or his organization. Is that correct?
Mr. BARBOZA. Right.
Mr. STEIGER. Do you know of any interest that Mr. Sinatra had in any racetracks in the New England area?
Mr. BARBOZA. No.
Mr. STEIGER. This estimate of 50 percent of the horses that raced in New England at that time being owned by the mob, was an estimate that was provided by Mr. Tameilo?
Mr. BARBOZA. Yes, sir.
Mr. STEIGER. Did he ever indicate those horses raced anywhere else except New England?
Mr. BARBOZA. No. But it was naturally assumed.
Mr. STEIGER. I mean, were there any horses that you would hear about that were winning in some other places, or were they mostly the Scarborough Downs horses?
Mr. BARBOZA. I was never interested in it, really.
Mr. STEIGER. You weren't interested in horses.
I have no further questions, Mr. Chairman.
Chairman PEPPER. Mr. Waldie.
Mr. WALDIE. No questions.
Chairman PEPPER. Mr. Brasco.
Mr. BRASCO. Getting back to sports for a moment. In connection with the visit to the Ebb Tide of the sports people that you mentioned, were you able to overhear any of the conversation?
Mr. BARBOZA. No, sir.
Mr. BRASCO. Did you have any conversation with Henry Tamello about why he told you to bet the Lakers?
Mr. BARBOZA. No. When he came out from that back room, and then



Mr. BARBOZA. No, sir.
Mr. BRASCO. Were there other visits where these same people came to the Ebb Tide and/or Arthur's that you were present?
Mr. BARBOZA. No, sir.
Mr. BRASCO. It is just on these two occasions?
Mr. BARBOZA. No, it was more than two occasions.
Mr. BRASCO. How many?
Mr. BARBOZA. Roughly about six occasions.
Mr. BRASCO. Either at the Ebb Tide and/or Arthur's?
Mr. BARBOZA. Yes, sir.
Mr. BRASCO. Let me get this straight about Arthur's. I understand you to say it was a kind of fruit stand.
Mr. BARBOZA. Primarily it was a vegetable store.
Mr. BRASCO. Vegetable store, and in the back they had a meeting room?
Mr. BARBOZA. No, it was extended in the back, and he put clothes in there and toys in there, and a lot of the stuff was hot.
Mr. BRASCO. Where would they meet?
Mr. BARBOZA. In the back where the clothing section was.
Mr. BRASCO. Was that open to the public?
Mr. BARBOZA. Yes, sir; it was. But nobody went there when they were there.
Mr. BRASCO. Excuse me?
Mr. BARBOZA. Nobody went in the back when Henry was talking to the people.
Mr. BRASCO. Getting back to the jockeys again, you said it was your experience that at the Ebb Tide the jockeys ran large tabs and they had all of the girls they wanted and everything was paid for by the office. Is that correct?
Mr. BARBOZA. It wasn't—they let the tab run up. They didn't have to pay. They had a tab they could pay when they got the money.
Mr. BRASCO. And when you came in there was a deal to get a jockey to believe Mr. Tamello was a good friend of his; in return, if Mr. Tamello had a favor he wanted him to perform, then he would perform it?
Mr. BARBOZA. Yes, sir.
Mr. BRASCO. And then you did that with how many jockeys?
Mr. BARBOZA. About five.
Mr. BRASCO. About five different jockeys?
Mr. BARBOZA. Yes, sir.
Mr. BRASCO. Do you know whether or not Mr. Tamello ever asked these jockeys to do anything in terms of any race they were riding in?
Mr. BARBOZA. All I know is that after he would talk to them, he would say that he got them to pull the races for him.
Mr. BRASCO. And was Mr. Tamello, from your own knowledge, a heavy bettor on horseracing?
Mr. BARBOZA. At one time Mr. Patriarca's office, he said Henry Tamello lost at least $1 million in his life gambling.
Mr. BRASCO. So he was a heavy bettor?
Mr. BARBOZA. Yes, sir.
Mr. BRASCO. Did he ever tell you about the fixed races, so that you, or anyone else, could make a killing?

Mr. BRASCO. Can you tell the committee who gave you this information?

Mr. BARBOZA. Henry Tamello, Ronnie Cascisco, Romeo Martin, Patriarca.

Mr. BRASCO. Raymond Patriarca, himself?

Mr. BARBOZA. Yes.

Mr. BRASCO. Did you have an opportunity to meet with him often?

Mr. BARBOZA. I met with him once a week, sometimes twice a week. I traveled to Rhode Island to see him.

Mr. BRASCO. Where would he ordinarily be that you had to travel?

Mr. BARBOZA. Rhode Island. Jacknis Avenue with a cigarette vending machine place. Another time when he had two people killed and there was a lot of heat on, he was in a garage owned by a guy by the name of Joe Badwick. I met him in a garage then.

Mr. BRASCO. I take it, if you had an opportunity to meet with him, that would be a special mark of some kind, a mark of success within the office.

Mr. BARBOZA. Yes.

Mr. BRASCO. And it went all of the way from that to the point where they actually muscled in on your operations?

Mr. BARBOZA. Yes. The Boston people talked them into it. It took Angiulo all day long to talk Patriarca to move against me. When Angiulo said, "What am I paying protection for, there is no sense giving you the money," that's when Patriarca's love for money outweighed his friendship for me.

Mr. BRASCO. Just getting back to this double homicide you were talking about, when the heat was on. Was that something that occurred in Boston, Mass.?

Mr. BARBOZA. That occurred in Rhode Island.

Mr. BRASCO. Well, how was it that they called you?

Mr. BARBOZA. Because I was going out there to see him on business, and he didn't want to stay in his office at Atlas Avenue because of the heat. So he was in his office owned by Joe Badwick, which was a garage.

Mr. BRASCO. So you meet at different places at different times as a matter of security; is that correct?

Mr. BARBOZA. Right. Danny Lamondi drove me to the garage. I didn't know where it was.

Mr. BRASCO. When you would go to Mr. Patriarca to speak to him, would that be in terms of giving him information as to what is going on in Boston, or giving him reports about what was going on in the loan shark operation, or the protection operation, and the office operation in general?

Mr. BARBOZA. Yes. Primarily it was to get okays on certain things.

Mr. BRASCO. Well, let me then ask you this: Were you there representing Henry Tamello?

Mr. BARBOZA. When things got very hot, the law was down on me very much so. I wouldn't travel. I didn't want to go near Raymond.

And there were other times, either when I did go to see Raymond, there were other times when Henry was leaving to go back to Rhode Island. I would give messages to him, to Raymond. Any time I had anything to say to Raymond, if I didn't say it directly to him, who I answered, because I only answered to him. I didn't answer to anybody else in Boston but him, and through Henry Tamello.



Mr. BRASCO. Thank you.

Thank you, Mr. Chairman.

Chairman PEPPER. Mr. Wiggins.

Mr. WIGGINS. No questions.

Chairman PEPPER. Mr. Mann.

Mr. MANN. No questions, Mr. Chairman.

Chairman PEPPER. Mr. Keating.

Mr. KEATING. Yes, Mr. Chairman.

Were you present when Bob Cousy was in this meeting with some of of the members of the mob?

Mr. BARBOZA. Yes.

Mr. KEATING. Who was he with at that time?

Mr. BARBOZA. He was with Gene Conley, Babe Parilli, and Henry Tamello.

Mr. KEATING. Who is Henry Tamello?

Mr. BARBOZA. Henry Tamello is Raymond Patriarca's right-hand man.

Mr. KEATING. Do you know what the discussion was all about?

Mr. BARBOZA. No.

Mr. KEATING. Was this the only occasion you saw them together?

Mr. BARBOZA. I saw them in the Ebb Tide: I saw them a couple of times in Arthur's Farm, and a few times at the Ebb Tide. I saw Bobby Cousy twice at Arthur's Farm. In other words, never at the Ebb Tide.

Mr. KEATING. Was it while he was still playing for the Celtics?

Mr. BARBOZA. Yes, I think so, yes.

Mr. KEATING. This had nothing to do with the game you bet on, however, did it? The Los Angeles game with the Boston Celtics?

Mr. BARBOZA. I don't think that the Lakers were in Los Angeles at that time.

Mr. KEATING. In any event, you didn't bet on a game——

Mr. BARBOZA. I bet on the Lakers' game, four points.

Mr. KEATING. Was that after a meeting where you saw Bob Cousy in attendance, or not?

Mr. BARBOZA. That is when he was with Babe Parilli and Gene Conley in Ebb Tide.

Mr. KEATING. When he was with those two?

Mr. BARBOZA. Tamello, not Cousy.

Mr. KEATING. Do you know anything about River Downs Racetrack in Cincinnati, Ohio?

Mr. BARBOZA. No, sir.

Mr. KEATING. Did you say that about 66 percent of the horses were owned by the mob?

Mr. BARBOZA. In New England, yes.

Mr. KEATING. Do you know the names of the people who were fronting for all of these horses?

Mr. BARBOZA. No, sir.

Mr. KEATING. How do you base your information?

Mr. BARBOZA. Henry Tamello.

Mr. KEATING. He was the source of the information?

Mr. BARBOZA. Yes, sir.

Mr. KEATING. He was close to Patriarca?

Mr. BARBOZA. Yes, sir.

tions by what is called a legitimate business, they generally carry over into the operation of the legitimate business the tactics they used in the illegal operation they carried on?

Mr. BARBOZA. Yes.

Chairman PEPPER. That is what a witness testified here yesterday; that when the gangs got into legitimate business, like horseracing, for example, that right away they tried to get what they called an "edge." Is that a familiar word?

Mr. BARBOZA. Yes, an edge.

Chairman PEPPER. An advantage, a way to devise some unfair advantage in that operation.

Mr. BARBOZA. Yes, sir.

Chairman PEPPER. So if gang members did infiltrate into horseracing the chances are they would carry over into that operation some illegal activity; is that correct?

Mr. BARBOZA. Yes, sir.

Chairman PEPPER. How many instances have you known of where law enforcement officers were bribed?

Mr. BARBOZA. A whole lot. Boston, especially; a whole lot.

Chairman PEPPER. Has that extended to any Federal officers? Do you know of any Federal law enforcement officers that have been bought?

Mr. BARBOZA. They are afraid of Federal officers.

Chairman PEPPER. They are?

Mr. BARBOZA. Yes. I know of no instance where a Federal officer was bribed, and they are very much afraid if any FBI or Federal men got involved with anything they are doing.

Chairman PEPPER. What are the reasons why local officials in areas where mob operations are carried on over a period of years, are unable to break up the mob and protect the community and the other people against their operations? Why is it that they are not able to do it?

Mr. BARBOZA. Well, they don't really want to. In other words, they are getting money from them. In other words, where organized crime flourishes—I make a broad statement—what I have to say, allegedly and purportedly, they have to have 50 percent, over 50 percent of the police officials, and part of the politicians are corrupt.

Chairman PEPPER. And you attribute the failure to break up the mobs, in cities where they are, to the protection they are getting from some politicians and local law enforcement officers?

Mr. BARBOZA. Yes. In other words, Mr. Pepper, a lot of the police officers are working in their own neighborhoods or places that they grew up.

All right, there is the marshal service I have been involved with while I have been involved in this custody, and I think that is one of the finest law enforcement branches you have in the country, and these men are screened by Federal people. If even local police officers were screened by Federal police or enforcement I think you would have a better type of local police officer.

Chairman PEPPER. Yesterday a Mr. Hollman testified. Were you here yesterday?

Mr. BARBOZA. No, sir.

Chairman PEPPER. Mr. Hollman testified that he had been head of the strike force, or task force, in New York up until a short time ago,



which was composed of Federal, State, and local law enforcement officials. Do you know of any bribery among any of that group, since that strike force has been in operation?

Mr. BARBOZA. No, sir.

Chairman PEPPER. And you say that if Federal officials are working with the State and local officials, it would tend to strengthen the integrity of all of them?

Mr. BARBOZA. If they screen them.

Chairman PEPPER. Is it helpful, in your opinion, that to break up mob operations we should have the Federal Government law enforcement officials participating in the effort?

Mr. BARBOZA. Yes, sir. Very much so.

Chairman PEPPER. Do organized crime people pay any particular attention, or are they concerned in any way, about these strike forces that are set up in the various cities, composed of Federal, State, and local officials? Does the mob exhibit any concern when those forces are set up?

Mr. BARBOZA. In the short existence of the task force, they have a very powerful reputation, which makes the mob very much afraid of them.

Chairman PEPPER. So they do. They do have an impact. The mob does respect them?

Mr. BARBOZA. Yes, sir.

Chairman PEPPER. And they do have an impact upon law enforcement in the area?

Mr. BARBOZA. Yes, sir.

Chairman PEPPER. From having been on the other side of the table, as it were, in your past operations, and now from the point of view of the public, would you think it desirable if we could set up more of the strike forces like they now have in New York where the Federal, State, and local officials are all working in close integration together?

Mr. BARBOZA. Very much so.

Chairman PEPPER. It would be helpful in fighting organized crime?

Mr. BARBOZA. Yes, sir.

Mr. Pepper, organized crime is probably the worst threat to the United States. They have so much land, so much business. Jerry Angiulo bought $10 million worth of land in the early 1960's. When I spoke to him in 1964—now, his idea of spending $10 million in land was to, at a 10-year process, at the end of 10 years he was going to sell this land and get the interest.

Now, a few years later, the money was coming in so fast to him that he was just going to leave that money lie in the $10 million worth of land.

Jerry Angiulo has over a million and a half dollars out in the street at shylock at 1 percent. This is $10 a thousand. He makes a quarter of a million dollars a week.

Now, this is a high figure, and this is—I think that I have not overestimated in any way—that it is very likely that Jerry Angiulo makes more than that.

And Raymond Patriarca in 1966 stuck $500,000 apiece, gave it to Elliot Price to stick into Caesar's Palace. They have floating crap games. Patriarca, himself, has floating crap games in Rhode Island

Patriarca was involved and it was coming out of New York. In fact, New York is noted as the biggest, the strongest dope that you can buy in the country as far as heroin. In New York.

Chairman PEPPER. It is well known, is it?

Mr. BARBOZA. Yes.

Chairman PEPPER. Now, another question: We hear so much about the top figures in these so-called families or gang groups being so hard to get access to; they are so hard to catch. They are insulated reputedly by so many layers.

Mr. BARBOZA. Right.

Chairman PEPPER. How does the operation work? How would a big gang work in this country?

Mr. BARBOZA. Just take the bookmaking operation. In east Boston they have a boss. And that boss has four or five runners. Those four or five runners go out throughout east Boston and pick up in about 15–20 joints. The same goes on in Chelsea and Everett and Revere.

Now, these runners come back to the main boss. The main boss in each town, in suburban town will go to Jerry Angiulo, who has a frontman in the way of Peter Lemoine. Finally, this goes on all through Massachusetts. They might have maybe five different men come back to Patriarca with change. But yet there are hundreds and hundreds of bookmakers operating that he never sees or talks to.

Chairman. PEPPER. He is physically remote from the actual operation?

Mr. BARBOZA. It is like a big wagon wheel with Patriarca in the center as the axle, and the spokes running off are the runners and at the end of each spoke is like a mushroom, an operation of 50 bookmakers. And the 50 bookmakers turn in at the end of spoke, which is the runner, and the runner runs back to the axle, which is Patriarca.

Chairman PEPPER. Any other questions?

Mr. Winn.

Mr. WINN. Let me ask you a couple more questions. Mr. Patriarca is in prison at the present time, as I understand it.

Mr. BARBOZA. Yes, he is.

Mr. WINN. Is he still running this mob from prison?

Mr. BARBOZA. Yes, he is.

Mr. WINN. He is still the boss?

Mr. BARBOZA. As long as Raymond Patriarca is alive, he will run it.

Mr. WINN. It doesn't do much good to put him in prison, does it.

Mr. BARBOZA. In fact, it is——

Mr. WINN. That is a statement, not a question.

Where was this $10 million worth of land? In the Boston area?

Mr. BARBOZA. All over the United States.

Mr. WINN. All over the United States?

Mr. BARBOZA. All buys that he bought were good buys. At the end of 10 years there would be a vast increase in interest. And he is not taking it out, he is leaving it in there.

Mr. WINN. You say he is just riding the interest on the ground?

Mr. BARBOZA. Yes.

Mr. WINN. Is he a ground speculator?

Mr. BARBOZA. In fact, 10 years have gone by. In the real estate office, that is one of his grounds.



Mr. WINN. Is he a ground speculator?

Mr. BARBOZA. He speculates the ground, the sea, and the air.

Mr. WINN. Does he use the power of the office and the mob to see to it that he gets certain types of zoning which will increase the value of his land?

Mr. BARBOZA. When you talk about zoning, there is a program, urban renewal program going on in New Bedford, Mass., and Hylo Construction was tearing down buildings, and the Hylo Construction Co. was fronted by Frank "Snappy" Davis, who is the frontman for Raymond Patriarca, because Raymond Patriarca owns the construction company, and the construction company has the urban renewal program in New Bedford.

They are involved in Government food contracts, two Greek brothers that are in West Germany now in the military, supplying food for these places.

Mr. WINN. They are part of the Patriarca mob?

Mr. BARBOZA. Right.

Mr. WINN. And they are the main contractors for the urban renewal project where?

Mr. BARBOZA. In New Bedford, Mass. And also in Rhode Island.

Mr. WINN. All right. You made the statement that the local law officials have been bribed or are so close to many of the individuals involved because they grew up with them in the same neighborhood. I gather they just don't want to put the finger on some of their ex-buddies or longtime friends?

Mr. BARBOZA. I think it is more prompted by the monetary value than friendship.

Mr. WINN. You think the dollar is playing a big part?

Mr. BARBOZA. Yes, Mr. Winn.

Mr. WINN. Do you think this is because many of our local law enforcement officers are low paid or that they can't make a decent living at the wages that the taxpayers in the various communities pay them? Or do you think that the money the mobs are paying is so much greater and the necessity for more money to live is that much greater?

Mr. BARBOZA. Well, I would like to answer that in two parts.

I mentioned earlier the marshal service that is probably one of the strongest and best forces in the country. I don't think they are paid that well. But yet you have some strong fine men in the marshal service.

But now, in Boston, where every other cop is taking money, and a new police officer gets on the force and his partner is taking money, his zeal kind of leaves him, and then, also, probably because of the low pay. The enticement of big money.

Mr. WINN. It could be a combination of the two?

Mr. BARBOZA. Yes.

Mr. WINN. All right. Last week, or maybe earlier this week, we talked about the possibility of a czar, Federal czar, or boss, to oversee horseracing. Do you think this would be a good idea, based on the fact you say that the mobs are afraid of fooling with the Federal investigators and the Federal law enforcement officers? Dealing with the local ones doesn't seem to bother them? Do you think a horseracing

blew him off the road. And he and Stevie Youse were pronounced dead.

Mr. NOLDE. How did Romeo Martin get killed?

Mr. BARBOZA. He got five .38 dumdums in his right side. One bullet went through his neck and out through this arm, one bullet was hit here, one bullet was hit there, and the last one was right here. [Indicating.]

Mr. NOLDE. Why was he killed?

Mr. BARBOZA. He was killed because he was running his mouth about chauffeuring Raymond Patriarca around, which he wasn't. He was killed because he lied and said he killed two people in New York for Raymond, and Raymond's lip even turned purple with fear over it, because he said, "What will I say to the people in New York if by coincidence these two people died around the time he said it?"

He was killed because of the beef he had with Ralphie Lamattina in Florida. He was killed because he took $10,000 he was supposed to give to a lawyer, and wound up in Maxie Baer's Club in Revere and was cutting cards for a hundred dollars a turn and lost $6,000.

Also, he was killed because he threatened to kidnap a man's son, and the man was a nephew to Louie Fox, who was a big frontman for the office, who was dead at the time, but Patriarca still had interest in moving in on a half-million-dollar enterprise on Fantasia Beach.

Mr. NOLDE. Why was Carl Eaton killed?

Mr. BARBOZA. Because he was the postman in the football cards.

Mr. NOLDE. Against the office?

Mr. BARBOZA. Yes. He was shot with two .38-type bullets, in the head.

Mr. NOLDE. What about Connie Hughes?

Mr. BARBOZA. Connie Hughes was killed because of what—involved especially was his last move when he killed Buddy McClain. He was a wheelman when his broad shot him.

Mr. NOLDE. And Benny Christopher?

Mr. BARBOZA. He was killed because he was told at least seven times to close down a barbudi game.

Mr. NOLDE. What is that?

Mr. BARBOZA. Something similar to dice. It is a Greek game, but the value of it, it is 100-percent profit. You don't have to stake the table.

Mr. NOLDE. How was he killed?

Mr. BARBOZA. He was killed by being shot.

Mr. NOLDE. Was there a time when a high union official had an attempt made on his life?

Mr. BARBOZA. Raymond Patriarca, in 1938, took a shot at Walter Reuther. Costello sent him down in 1939, for the Trademark and he took a shot at Walter Reuther through his house window and most of the impact from the shotgun blast hit the refrigerator, but Trademark was still satisfied with what happened.

And later on Patriarca was called back on another contract which he completed on somebody else.

And when Bo Bigelow left in 1947, gave up the leadership in New England, Patriarca had built himself up so he won that leadership in New England and he won that leadership which also enabled him to be on the 10-man national crime syndicate of the United States, as



far as the Mafia, and he also sits very high up in that 10-man committee of the national crime syndicate.

Mr. PHILLIPS. One final question. Did you learn, in your association with Patriarca, about the killing of Albert Anastasia in New York?

Mr. BARBOZA. Yes; I did.

Mr. PHILLIPS. Would you tell us who, to your knowledge, was the man who killed Anastasia?

Mr. BARBOZA. The man who killed him was a man by the name of Jack Nassirian, who was the hit man for Patriarca, who killed about 26 people. He became—Jack Nassirian used to be very unruly when he would get drunk, and was always threatening to take over the family. Patriarca had him finally wiped out by Rudy Scarian.

Mr. STEIGER. Mr. Chairman, does Mr. Patriarca still exercise influence? I understand he is in jail. Does he still run his outfit from jail?

Mr. BARBOZA. Mr. Steiger, I read once where Colonel Stone made a statement that Patriarca is still as ruthless today as he was in the early 1930's. That was about the best way anybody could ever put Patriarca.

Mr. STEIGER. I didn't realize the question had been asked.

Mr. WINN. He mentioned a 10-man crime control, or commission that controls crime.

Can you give us a breakdown on who those 10 men are, as far as you know them right now?

Mr. BARBOZA. Carlo Gambino is the head of all of it. He took up Genovese, Vito Genovese's spot, as being the headman.

Joe Bonano, but I don't think so any more. There is a man in New Orleans. There was—Lou Chessy used to be. He died.

There was Trefazzi. He died. Joe Bonano who is out in California. I don't know.

Mr. WINN. They continuously have this 10-man leadership aboard and even though about half of them you named are dead, they must replace them with new power structure.

Mr. BARBOZA. Positively.

Mr. WINN. All of the time?

Mr. BARBOZA. Positively.

Mr. BRASCO. In terms of the fight against organized crime, it seems to me in any event, what you are dealing with is a combination of racketeers knowing or being rather astute in the basic weaknesses of individuals, money, cars, women. And also in some of the problems that we have in society.

Take loan sharking. I am curious. Did many of the people you lent money to qualify for bank loans? I am talking about business people now.

Mr. BARBOZA. Yes, but some of them did, some of them didn't. But the ones that did, needed the money right away, and couldn't get it right away.

It was just like a jeweler. If you get the money now, he could buy this jewelry that was accessible to him in the wholesale house in New York.

Mr. BRASCO. So it is fair to say they take, and you took, advantage of all of the weaknesses you could see in society and in human nature?

Mr. BARBOZA. Yes.

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## STATEMENT OF HON. ROBERT O. TIERNAN, A U.S. REPRESENTATIVE FROM THE STATE OF RHODE ISLAND

Mr. TIERNAN. Mr. Chairman, I welcome the opportunity to be with you today and to introduce to the committee, the attorney general of the State of Rhode Island, Mr. Richard Israel, whom I am sure the chairman and the other members of the committee realize is certainly vitally concerned with the matter under investigation by you and the members of the committee.

I would like at this time to also congratulate the chairman and members of the committee and staff for its work in this area. It will be helpful to our State, I am sure. Many of the matters that have been brought before the committee are matters that the attorney general and other law enforcement officers and agencies in the State of Rhode Island are vitally concerned with.

I would like at this time, also, to point out to the chairman that we have, I think, one of the finest police officers in the person of Col. Walter Stone, head of our State police department; a man who has served the people in the city of Providence and the State of Rhode Island for many years and is recognized as a very vigorous enforcer of the laws of the State of Rhode Island.

So, it is with a great deal of pleasure that I am able to introduce the attorney general of the State of Rhode Island. I apologize to the committee and to Mr. Israel for being a little bit late, but as you know, we have the bill on the floor for the continuation of funding for the corporation on public broadcasting. My amendment was on the floor and it was difficult for me to get away at the time. So I appreciate the opportunity to be with you here today, and I am sure that the testimony and the statements that the attorney general of the State of Rhode Island will present to the committee will be helpful to you. Certainly, the information you develop will be helpful to us, and we will appreciate your action.

Chairman PEPPER. Mr. Tiernan, we are most grateful to you for your very generous remarks. As I said, we are very deeply indebted to you for the splendid support you have given to the work of this committee in trying to do something about crime in this country.

You have been a stalwart supporter of our effort and all other efforts in Congress.

Thank you very much.

Mr. Attorney General, we welcome you here. We know the distinguished record you have in your State and what you have done in this field, and we are particularly fortunate to have the benefit of your help.

Mr. Attorney General, will you be sworn, please.

## STATEMENT OF RICHARD ISRAEL, ATTORNEY GENERAL, STATE OF RHODE ISLAND

**(Having been duly sworn by the chairman)**

Chairman PEPPER. Mr. Attorney General, I want to say, on behalf of the committee, we are grateful to you for coming here and helping this committee in its efforts to try to do something about organized

world; we could have had the finest techniques for securing those specimens against tampering; we could have had the most highly trained toxicologist able to discover the slightest trace of a drug. But if you go after the man who collects the specimen from the horse, I think an unpleasant activity, but nevertheless one that is essential, and he is the man that you can reach, I think that all of the rest of the time and effort in securing your operation has been wasted.

Let me describe the technique that these fixers used in the State of Rhode Island as was developed by our investigations.

In the first place, the target was that race or that combination of races which offered the largest or larger wagering pools. Normally the perfecta-type of bet which involves the combination of winners or winning horses was the preferred activity, although a daily double would satisfy them if that was the only available combination.

In other words, they were looking for that pool that provided the largest gain, the largest payoff. It is worth more to fix a combination pool, a perfecta, or a daily double, than any other single racing activity.

Their effort would be not so much to assure themselves a winner, as to assure themselves that certain horses could not or would not win. There, too, they had seen a weakness in our testing system. They discovered that our track people would uniformly test the specimens from the winning horses, or horses who had finished in the money.

So the obvious conclusion occurred to them to drug, if they were to drug a horse, a loser, or so drug a horse as to run slower than he might otherwise, in the hope of avoiding the random testing of non-winning horses in these races.

I may say that we have since corrected that technique in Rhode Island.

Their effort, principally, was to effect the results, to reduce the odds as to them. They did not share with the rest of the legal bettors at the parimutuel window the same odds. They were like insiders in a stock fix. They knew what the result of the race was going to be.

What they would do would be to narrow the number of horses, and in some cases down to one, who could win the race. Now, they would do that by drugging a horse so that he would be slowed down, so that he would not finish among the first two or three.

This would very often involve for them buying a trainer or a groom. And by "buying" I mean bribing, so that he would either turn his back when they would drug the horse, or actually cooperate with them in drugging a horse that he was training or grooming for a race.

It might involve their bribing a jockey not to push his horse, or as they call it, to hold the horse.

It might also involve their either bribing or bringing in a jockey to bump the favorite horse. And if he were quite skillful at it, he might even do it without being detected by the track steward.

So that by drugging a certain number of horses, by having a jockey who is holding a horse or two, and by knowing that a horse whom they could not reach to drug, or whose jockey they could not reach to bribe to hold it back, could be bumped by the imported jockey, they knew which of one, two, or perhaps at the most, three horses had a chance of winning the given race.

Then, of course, they bet the race. They bet the various combinations, relying on the fact that the true odds to win did not apply to them



or did not affect them. They knew which horse or horses had a real chance to win.

What did we find to be the interest of organized crime in this kind of activity? Well, it is twofold. First, it is, after all, an easy profit. It is easy money to be had if you know or if you know better than the true odds what the outcome of a race is going to be. There is a certain amount of profit involved by putting that money through the parimutuel window and by competing with the legitimate bettors at the track. And I may point out that our information indicated that 1 day's activity was worth $36,000 to the combine. And that is not a bad day's pay at all.

The other consideration is that illegal gambling is, after all, a multi-million-dollar business. Bookmakers are in an enormous American business, and it is essential that the organized criminal gambling operations have knowledge of this kind of activity, so that they, too, don't get stuck like the legitimate bettors, who are putting their money into the State's parimutuel system.

So that it is essential that the illegal gambling network have knowledge of the so-called "order" horse, or the "order" race; that is, a race where one inside group knows either which horse is going to win, or which horses are the only assured winners. Thus, it is critical that organized crime control this kind of activity, if only for the sake of having knowledge when it is taking place, so that their own bookmakers don't get involved with tremendous losses.

I would like to touch on at least two other aspects of the problem as the problem presented itself in the State of Rhode Island.

In the first place, coming back to the New England Organized Crime Intelligence System, there is the interstate nature of this activity in the New England area. To travel from Massachusetts to Rhode Island, or Rhode Island to New Hampshire, among the States which have race tracks, is as easy and as simple as crossing the street. The super highways interconnect these States, so that the travel of these people from one State to another is patent.

In the cases that we developed, many of the defendants were from other States than Rhode Island. Many of them were from no permanent location, but traveled from one track to another, as either trainers or grooms. Their actual home of residence was, I guess, the "State of Mind," really. They journeyed from one track to another in each of the States that has legalized horseracing.

Also, in the indictments, we found some defendants came from the State of New Jersey. These were not men who were ordinarily associated with racing activities from the point of view of being trainers, or grooms, or horseowners. There were two men whom we indicted who came from New Jersey, and whom our information, as the result of an investigation revealed, provided the money and the impetus in certain of the fixing activities.

I would like to suggest to this committee, as it addresses its thoughts to some Federal legislation in this area, and I hope it does, that I hope to see something come from the Congress of the United States addressing itself to the problem of the regulation of interstate sporting activity with particular regard to the influence of organized crime in that area.

I don't know how long beforehand they drug them. But that kind of thing. Have you any suggestions in that area?

Mr. ISRAEL. I would respect those suggestions. I would certainly feel that it would be most desirable for the United States of America, in its substantive enactments, to reach as you have suggested, Mr. Chairman, interstate commerce itself; that is, drugging the horse who is in interstate commerce, or drugging the horse who will go into interstate commerce. So that the law enforcement agencies at the Federal level will be addressing themselves to those particular areas and not necessarily addressing themselves to actual fixing at a track, unless the State authorities for one reason or another, or the local authorities for one reason or another, are unable or unwilling to do that.

And from time to time that kind of situation does prevail, though we are loathe to recognize it.

Mr. PHILLIPS. On that point, Mr. Attorney General, it would seem to me that a State prosecutor would have really a tremendous amount of difficulty in just rounding up the witnesses necessary to put before the grand jury.

In other words, assuming the fix has taken place in Rhode Island and the people have moved on with the racing season to Massachusetts or Maine, or wherever else they move on to, how do you even subpena them before your grand jury in Rhode Island?

Mr. ISRAEL. We now have interstate statutes for the rendition of witnesses in criminal proceedings, which include grand jury matters. It is not the easiest way in the world to get a witness, but it is one way.

Mr. PHILLIPS. I have gone through the procedure, myself. I was a State prosecutor before coming here, and I think one of the witnesses subpenaed from Florida hasn't gotten to New York yet. That is over a year ago. So it does slow you down tremendously.

If the Federal Government had the opportunity of investigating that before a Federal grand jury, at least the witnesses would be available immediately and you would be able to produce a little bit more quickly if not more effectively.

Mr. ISRAEL. I think I would have to concede that the Federal resources are greater, and that is acknowledged right from the start.

I think that the problem is to mobilize them in a fashion to assist State and local enforcement where it demonstrates itself to be able and willing to prosecute within its own jurisdictional confines. This is why I once again would beseech this committee to scan each piece of legislation as it considers it, to see if the primary objective cannot be to aid and assist those State and local prosecutorial and investigative bodies which are able and willing to move in the field, and then consider those that are not.

Mr. PHILLIPS. How would you conduct an investigation—just interviewing witnesses. Assuming some of these witnesses had gone to Florida—for instance, from Rhode Island—wouldn't that be a tremendous handicap and hardship for you to send investigators to Florida to interview them, to locate them? It would seem to me you would want to dump that on the Federal Government and let them worry about it.

Mr. ISRAEL. If this was criminal activity that involved the State of Rhode Island—I do not say this with pomposity or arrogance—I would send investigators to the State of Florida.



But I would prefer to send an investigator or attorney, such as the one who is sitting next to me, Special Assistant Attorney General G. John Gazerro from the State of Rhode Island, who is paid from a grant from the Law Enforcement Assistance Administration in our organized crime investigation and prosecution unit.

Were funds made available through the Department of Justice, through this LEAA program, which would enable me to build a prosecution or investigative team which would address itself particularly to sports activities and organized crime activities, then I could afford to send a man to Florida, or to advance the money that is required under the interstate rendition of witnesses.

Mr. PHILLIPS. It is nice to hear there is someone as aggressive as you are who is pursuing those matters as diligently as you are.

Chairman PEPPER. I want to ask one question.

Mr. Attorney General, one subject that we have been very much interested in is whether or not it is practical for Congress to adopt some legislation that would be helpful in integrating into a more effective entity the Federal, State, and local law enforcement efforts—against organized crime, particularly.

We say that because we recently had a witness here who had been the head of the strike force in New York, I think the only force in the country that is made up of Federal, State and local officials, and works as a single entity. In the other States of the country we have Federal task forces, or strike forces, with varying degrees of intimacy of coordination or cooperation with State and local officials.

In your opinion, is it desirable that we try to set up some pattern by which there will be closer integration of the personnel and effort of the Federal, State, and local governments, particularly against organized crime?

Mr. ISRAEL. Well, with all due respect, Mr. Chairman, I have felt that the level of cooperation between Federal law enforcement agencies and State law enforcement agencies within the State of Rhode Island, even in the absence of a joint Federal-State-local task force, has been of the highest order.

In the second place, again most respectfully, I would submit that this is a matter really for the respective executive departments of Government to work out as between themselves. That is to say, the attorney general of the State of Rhode Island and the Attorney General of the United States, as best we can.

I do not know what kind of legislation would specifically make it either easier or more difficult for us. I think it is an area for us to interrelate.

Chairman PEPPER. My last question. We are all shocked at the prevalence of organized crime in the United States today. They take from the economy of the country, that it gets the intimidation of witnesses, the perversion of legitimate businesses that they enter into, and the like as well as the crimes that are committed by organized crime people. What more can we do to make our fight more effective against organized crime?

Mr. ISRAEL. As I see it, what this committee is doing right now is important, that is to say, we are publicizing—and this committee is doing that—the existence of organized crime, testimony by other wit-

Now, when you combine that with all of the other, when you compound it with all of the other problems that we face, the indifference or lack of belief, the purchased politician, if you will, the purchased State official, I think that you have to recognize that whatever role the Federal Government plays, whether it is merely to bring aid to those State entities that are doing a good job—and you will admit there is a variance of quality as to the kind of job they are doing, I suspect. If you are aware of the nationwide picture, you know some States do a better job than other States, as a matter of course.

But if the Government were to be able to supplement financially those State officers and to put a task force in every community where there was an organized crime family, the situation wouldn't be really dramatically changed. I think the biggest weapon that we have are where people such as yourself, who are willing to grind out the convictions, however low they may be, and to be persistent, because we have seen examples here of entire States that have just given up and surrendered, if you will, or made the best deal they could. Indeed, divided up the spoils—if you don't go any further than this, we will leave you alone and you leave us alone. That kind of attitude.

I think, obviously, you are to be commended for your attitude, but I would that you not suffer some kind of disillusion when you wake up on your 65th birthday that although Mr. Patriarca has finally gone to his just reward, there are nine underlings who have assumed his position because of the structured nature of the organization.

That is something you tend to lose sight of when you are in the thick of the battle as you are. I don't mean to lecture you, of all people.

In Rhode Island, how many racetracks have you got?

Mr. ISRAEL. Two.

Mr. STEIGER. Are they both flats? Is there a trotting track?

Mr. ISRAEL. We have now introduced racing on one of the tracks.

Mr. STEIGER. The commission handles both racetracks?

Mr. ISRAEL. Yes.

Mr. STEIGER. The commission is made up of how many people?

Mr. ISRAEL. Three.

Mr. STEIGER. Are they people knowledgeable about the racing business, or are they people who have been given a political award because of their allegiance to one party or another?

Mr. ISRAEL. I think eventually it gets to be both.

Mr. STEIGER. Of course, this is typical. The amortization of a political debt represented by a racing commission appointment I think is significant. I think the transient nature of the commission's position is significant, because Mr. Patriarca and his people will be there long after the commissioners are gone.

The Patriarca people know that so they are relatively secure. It is the States who are going to have to recognize it is not that kind of a position. It should not be a kind of position which lends itself to political largess. There is going to have to be some competency, because a strong commission with a strong State statute, as far as racing is concerned, can do more to clean up racing than anything else. The Federal involvement, or what have you. California is probably the best example of that. They have a good statute, they have a strong commission, and they are not good turf for the hoods.



There are lots of other things the States can do, which they probably won't because the legislature, the people who influence the legislature, won't let them.

For example, the Nevada law—and I urge you recommend this to your people—the Nevada law which says nobody may own an interest in more than one gambling institution at a time is a good law, because one thing that organized crime likes is monopoly and interlocking corporations.

It would be a good law for Rhode Island, on top of that, because local racing is invariably the best racing, with the local interests, on a local track. And there is pride in the product.

These are things that States can do with or without Federal intervention. These are things I think States ought to be addressing themselves to and they don't.

And I know why. I have gone through it in Arizona and I am still going through it because the lawyers for organized crime's interest are more plentiful than any lawyers are for the public interest. That is a natural turn of events.

I thank you for your interest.

Mr. Chairman, I thank you for your indulgence.

Chairman PEPPER. Mr. Phillips has one question and then we are terminating.

Thank you, Mr. Steiger.

Mr. PHILLIPS. Mr. Nolde.

Mr. NOLDE. In your opinion, does Raymond Patriarca continue to operate his syndicate in New England, despite the fact he is presently incarcerated in a Federal prison?

Mr. ISRAEL. Yes.

Mr. NOLDE. Does that syndicate continue its activities in horseracing in New England?

Mr. ISRAEL. Yes.

Mr. NOLDE. Thank you, Mr. Attorney General.

Chairman PEPPER. Mr. Attorney General, we thank you very much. We want to commend you for your splendid effort in doing something about this subject. You have been very helpful to us and we are very much indebted to you.

Mr. ISRAEL. Thank you very much, Mr. Chairman.

Chairman PEPPER. Now, we are going to adjourn until 10 o'clock next Wednesday morning, which will be June 7, and the first two witnesses will be Mr. William Cahn, president of the District Attorneys of the United States, and Mr. Howard Samuels, president of the Off-track Betters Association of New York.

(Thereupon, at 3:20 p.m. the hearing was adjourned, to reconvene on Wednesday, June 7, 1972, at 11 a.m.)

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meeting in Apalachin, N.Y., where racketeers from all over the country met and were apprehended by State police in New York.

These individuals came from practically every State in the Nation and represented racketeering in every State in the Nation.

Subsequent to that time a second meeting, called a little Apalachin meeting was held in La Stella Restaurant in 1966. La Stella Restaurant is a small restaurant in Queens, in New York City.

At that time, you and a number of other people who are notorious racketeers, met and discussed various subject matters. We would like to ask you, Mr. Marcello, how you came to go to the La Stella Restaurant?

Mr. MARCELLO. I went on a business trip, to try to get a loan on a nursing home.

Mr. PHILLIPS. So you went to New York on a business trip; is that correct?

Mr. MARCELLO. Yes.

Mr. PHILLIPS. When did you arrange to go to New York for that business trip?

Mr. MARCELLO. I met my brother and he invited me to a luncheon.

Mr. PHILLIPS. I asked you: When did you decide to go to New York, in relation to this nursing home?

Mr. MARCELLO. I guess it was 1966.

Mr. PHILLIPS. Prior to this meeting, how long had you planned to go to New York for that particular nursing home venture?

Mr. MARCELLO. Probably a couple of days.

Mr. PHILLIPS. A couple of days, you say?

Mr. MARCELLO. Or the day before.

Mr. PHILLIPS. And prior to your going to that meeting, did you know Carlo Gambino?

Mr. MARCELLO. No, sir; I didn't know Carlo Gambino.

Mr. PHILLIPS. You never had met Carlo Garabino before?

Mr. MARCELLO. No, sir.

Mr. PHILLIPS. Never had any dealings with him prior to that time?

Mr. MARCELLO. No, sir.

Mr. PHILLIPS. What is Mr. Gambino's business, to your knowledge?

Mr. MARCELLO. I wouldn't know.

Mr. PHILLIPS. Who introduced you to Carlo Gambino?

Mr. MARCELLO. Nobody introduced me to Mr. Gambino, or no one was there. We got arrested before we had the luncheon. And that is how we come to meet. We met in the police station.

Mr. PHILLIPS. Isn't it a fact, Mr. Marcello, that you were sitting down with Mr. Gambino and others in the restaurant?

Mr. MARCELLO. We walked right in; just as soon as we walked in, we were surrounded by the police and picked up and brought to the station and held over, probably about 24 hours, or something like that.

Mr. PHILLIPS. Is it your testimony you never sat down at the same table with Mr. Gambino?

Mr. MARCELLO. We didn't have time. Just as soon as we walked in we were arrested.

Mr. PHILLIPS. Did you know Mr. Gambino was going to be there?

Mr. MARCELLO. I didn't know who was going to be there.

Mr. PHILLIPS. How did you happen to go to this luncheon meeting in Queens?



Mr. MARCELLO. My brother invited me to have lunch with him.

Mr. PHILLIPS. What was your brother doing in New York?

Mr. MARCELLO. He was on some other business.

Mr. PHILLIPS. What business was that?

Mr. MARCELLO. I wouldn't know.

Mr. PHILLIPS. You wouldn't know what your brother was doing?

Mr. MARCELLO. No, sir. Not at this time, I don't.

Mr. PHILLIPS. What nursing home were you investing in at that time?

Mr. MARCELLO. For Jefferson Parish.

Mr. PHILLIPS. What is the name of the nursing home?

Mr. MARCELLO. We didn't have no name. I was trying to get a loan.

Mr. PHILLIPS. You didn't have any nursing home?

Mr. MARCELLO. No, sir. I didn't have any nursing home.

Mr. PHILLIPS. You were going to get a loan for a nonexisting nursing home?

Mr. MARCELLO. No; we had plans and specifications and all like that, and we were trying to get a loan to put a nursing home in Jefferson Parish.

Mr. PHILLIPS. Why didn't you try to get the loan in New Orleans?

Mr. MARCELLO. Because I couldn't get it in New Orleans.

Mr. PHILLIPS. You couldn't get any loans. You had no credit?

Mr. MARCELLO. No; it was a $750,000 loan we was talking about and we couldn't get it in New Orleans.

Mr. PHILLIPS. Where were you going to put this nursing home?

Mr. MARCELLO. In Jefferson Parish.

Mr. PHILLIPS. You say that you didn't have any nursing home established?

Mr. MARCELLO. Sir, I object to this. I don't understand what this has got to do with this crime investigation at all.

Mr. PHILLIPS. Mr. Marcello, we are trying to determine whether you have utilized money you have obtained from racketeering sources and invested those in any sports or gambling activities in relation to sports. Do you understand the nature of the inquiry?

Mr. MARCELLO. I understand that you are all investigating about crime in which you just said. I don't understand——

Mr. PHILLIPS. Don't you think it is relevant when you sit down with Carlo Gambino, Santo Trafficante, and people like that, who are leading racketeers in this country, and you tell us you are there to borrow money for a nursing home?

Mr. MARCELLO. What would that have to do with it?

Mr. PHILLIPS. It doesn't sound to me like you are telling the truth, Mr. Marcello.

Mr. MARCELLO. I am telling the truth.

Mr. PHILLIPS. Did you go to see Mr. Gambino about the $750,000 loan?

Mr. MARCELLO. I didn't say Mr. Gambino. I said I went to New York.

Mr. PHILLIPS. Who did you see in New York about the $750,000 loan?

Mr. MARCELLO. I went there to see some company.

Mr. PHILLIPS. What is the name of the company?

Mr. MARCELLO. I wouldn't know at this present time. I have the names at home, and all.

Mr. MARCELLO. I can't reveal when I went before the grand jury. That is a secret.

Mr. PHILLIPS. Isn't it a fact you took the fifth amendment before the various grand juries and that there is no bar in revealing what you said before the grand jury?

Mr. MARCELLO. The first two or three times we went before the grand jury, yes. And then we went and we answered the questions.

Mr. PHILLIPS. Did you refuse to answer questions for the first couple of times?

Mr. MARCELLO. Yes.

Mr. PHILLIPS. What did you tell the grand jury your purpose was in being at the La Stella Restaurant?

Mr. MARCELLO. That is confidential.

Mr. PHILLIPS. It is not confidential, Counsel. That is improper advice.

I am asking you what you told the grand jury.

Mr. WASSERMAN. If you are addressing me, I would like a ruling by the Chair on this.

Chairman PEPPER. Counsel, Mr. Phillips, chief counsel for this committee, who for 10 years was in the office of Mr. Frank Hogan, prosecuting attorney in New York, and has a lot of experience in criminal matters in the State of New York, tells me that in the State of New York, while a grand juror cannot reveal what was testified to by a witness before the grand jury, that the witness, himself, may legally tell what he testified to before the grand jury.

I would naturally attach great weight to Mr. Phillips' statement that that is the law of New York.

Mr. Wasserman, are you sure that that is the law of the State of New York, that a witness who testifies before a grand jury is subject to criminal prosecution if he reveals what he testified to before that grand jury?

Mr. WASSERMAN. I did not say he is subject to criminal prosecution. But normally, the minutes of the grand jury are confidential, and what a witness has testified before the grand jury, he should not be compelled to disclose. This is my understanding.

Mr. PHILLIPS. That is incorrect, Counsel.

Chairman PEPPER. I would naturally rule, excepting evidence to the contrary, our chief counsel has given us the right advice as to what the law of New York is. The witness will not be excused from answering questions that are put to him by this committee, unless to do so would tend to incriminate him or subject him to criminal prosecution, as I understand the law.

Mr. MARCELLO. Sir, I don't really remember what I said in the grand jury room.

Mr. PHILLIPS. In other words, you didn't tell the grand jury about the $750,000 transaction, did you?

Mr. MARCELLO. I can't remember at the present time, sir.

Mr. PHILLIPS. You told the truth at that time?

Mr. MARCELLO. I am sure I did.

Mr. PHILLIPS. And you are telling the truth now?

Mr. MARCELLO. I am sure I am.

Mr. PHILLIPS. And you think the story is a little different and you are afraid to say; is that correct?



Mr. MARCELLO. No, sir; I am not afraid to say.

Mr. PHILLIPS. What did you tell the grand jury in 1966 when you were arrested with all of these racketeers?

Mr. MARCELLO. That is nearly 6 years ago. I really don't remember, sir.

Mr. PHILLIPS. That was an unusual event in your life; was it not?

Mr. MARCELLO. I didn't get you.

Mr. PHILLIPS. I say, that was an unusual event in your life?

Mr. MARCELLO. No, sir; it is not.

Mr. PHILLIPS. You say, being arrested, held on $100,000 bail and put before a New York grand jury investigating racketeering is not an unusual event in your life?

Mr. MARCELLO. Yes; that was unusual.

Chairman PEPPER. Mr. Counsel, we have not interfered heretofore, but you told me at the beginning that you understood the role of counsel. And I mentioned, you recall, at the beginning of the testimony of Mr. Marcello, that the role of counsel was to respond to a request for legal advice from the client, not to prompt him in the giving of his answers.

It is obvious to the committee that you have been speaking to the witness after he has been asked a question, which we would surmise would be for the purpose of giving him suggestions about his answer.

Will you please restrain from engaging in that activity and limit your participation to giving legal advice to your client when he requests such advice from you?

Mr. WASSERMAN. I appreciate what you say, Congressman. The fact is, the witness did not understand the last question and I tried to explain it to him.

Chairman PEPPER. He is an intelligent man and if he does not understand the question he is at liberty to ask it be stated again. We have a reporter here that could read it back from her notes, or counsel, or whoever is asking the question, would be very glad to repeat the question.

Mr. PHILLIPS. Counsel, it appeared to me that when your client responded that he did not remember what he said to the grand jury, it was immediately apparent you had spoken to him about the matter.

Mr. WASSERMAN. That is not so.

Mr. PHILLIPS. You spoke to your client and your client's next answer was, "I don't remember what I said before the grand jury."

Mr. WASSERMAN. The fact is——

Mr. PHILLIPS. Mr. Marcello, did Mr. Wasserman tell you to say you don't remember what you said before the grand jury?

Mr. WASSERMAN. Mr. Marcello told it to me before he said it publicly here.

Chairman PEPPER. Proceed with the examination of the witness.

Mr. PHILLIPS. Do you know a man by the name of Thomas Eboli?

Mr. MARCELLO. I heard the name; yes, sir.

Mr. PHILLIPS. Where did you hear the name?

Mr. MARCELLO. I heard it when he was arrested in Queens County.

Mr. PHILLIPS. He was arrested with you in Queens County?

Mr. MARCELLO. Yes.

Mr. PHILLIPS. And you didn't know he was going to be at that meeting, either?

Mr. PHILLIPS. How about Mr. Lansky?
Mr. MARCELLO. I heard that he had stock in the Beverley Country Club.
Mr. PHILLIPS. Who did you hear that from?
Mr. MARCELLO. From Mr. Phil Kastel.
Mr. PHILLIPS. Mr. Kastel?
Mr. MARCELLO. Phil Kastel.
Mr. PHILLIPS. And what business is Mr. Lansky in?
Mr. MARCELLO. I wouldn't know. I probably met him once in the whole time he was in the Beverley Country Club.
Mr. PHILLIPS. How about Mr. Giardano?
Mr. MARCELLO. From where?
Mr. PHILLIPS. From St. Louis.
Mr. MARCELLO. I heard of him.
Mr. PHILLIPS. Did you have any business dealings with him?
Mr. MARCELLO. No, sir.
Mr. PHILLIPS. Never met him?
Mr. MARCELLO. I probably might have met him, but years ago.
Mr. PHILLIPS. Where did you meet him?
Mr. MARCELLO. Probably New Orleans.
Mr. PHILLIPS. In New Orleans. He came to visit New Orleans; is that correct.
Mr. MARCELLO. If that is the same Giardano you are talking about, sir.
Mr. PHILLIPS. What is his business?
Mr. MARCELLO. I wouldn't know.
Mr. PHILLIPS. Concerning all of these racketeers, you don't know what they do for a living, although you have known them for a number of years?
Mr. MARCELLO. No, sir. I don't ask them that. I don't ask them any questions.
Mr. PHILLIPS. What was your business, Mr. Marcello?
Mr. MARCELLO. I am in the land investment business.
Mr. PHILLIPS. Isn't it a fact that you were a tomato salesman, or something?
Mr. MARCELLO. Yes, I am. Tomato salesman, too.
Mr. PHILLIPS. You say you are both, the tomato salesman and also land investment?
Mr. MARCELLO. I am in the land business and I am a salesman, tomato sales, too.
Mr. PHILLIPS. When did you become a tomato salesman?
Mr. MARCELLO. I don't know exactly, about 6-7 years, something like that.
Mr. PHILLIPS. For 6 or 7 years you have been selling tomatoes?
Mr. MARCELLO. Yes.
Mr. PHILLIPS. How much do you earn a year from selling tomatoes?
Mr. MARCELLO. Well, I usually get a salary of about $1,600 a month.
Mr. PHILLIPS. You get approximately $20,000 a year?
Mr. MARCELLO. Approximately that much.
Mr. PHILLIPS. How is that figured?
Mr. MARCELLO. How it figures?
Mr. PHILLIPS. How does it figure; do you get a base salary or percentage of your sales?



Mr. MARCELLO. I get so much a month.
Mr. PHILLIPS. Just so much a month?
Mr. MARCELLO. Right.
Mr. PHILLIPS. Who have you sold tomatoes to?
Mr. MARCELLO. To a lot of fruit stands and grocery stores.
Mr. PHILLIPS. Is it your testimony that the last 6 or 7 years you have been going around to grocery stores in the New Orleans area and selling tomatoes?
Mr. MARCELLO. I have been to fruit stands; yes, and markets.
Mr. PHILLIPS. When was the last time you were to a fruit stand?
Mr. MARCELLO. I was at a fruit stand last week.
Mr. PHILLIPS. To sell tomatoes?
Mr. MARCELLO. Well, not exactly. I go there to see them, see how they are doing, and I bought some fruit myself.
Mr. PHILLIPS. You were just shopping for some fruit, yourself?
Mr. MARCELLO. Yes.
Mr. PHILLIPS. You are supposed to be earning according to the information you give the Internal Revenue, approximately $20,000 a year selling tomatoes. Now, where do you sell these tomatoes?
Mr. MARCELLO. Supermarkets and grocery and fruit stands.
Mr. PHILLIPS. Will you tell us the last sale that you made to a supermarket?
Mr. MARCELLO. The last sale I made?
Mr. PHILLIPS. Yes.
Mr. MARCELLO. I don't make sales every day. They are customers of mine.
Mr. PHILLIPS. You say they are customers of yours. Would you name the largest customer you have?
(Mr. Marcello confers with counsel.)
Mr. PHILLIPS. I don't know what you are discussing with your lawyer. Do you understand the question?
Mr. MARCELLO. No, sir; I don't.
Mr. PHILLIPS. All right. I will repeat the question: Would you tell us the largest customer that you have that you sell tomatoes to? Do you understand the question now?
Mr. MARCELLO. They are all large. I couldn't tell you unless I look at the books.
Mr. PHILLIPS. Would you tell me one of the customers that you sell tomatoes to? You have been in this business for 6 years. Isn't it a fact, it is a phony job? You don't sell tomatoes at all. It is just a way of legitimatizing your income?
Mr. MARCELLO. No, sir; it is not a phony job.
Mr. PHILLIPS. Who do you sell tomatoes to?
Mr. MARCELLO. I sell to a lot of people in New Orleans.
Mr. PHILLIPS. You haven't been able to mention one. Can you mention one person you sell tomatoes to?
(Mr. Marcello confers with counsel.)
Mr. PHILLIPS. Do you understand the question, Mr. Marcello?
Mr. MARCELLO. Yes. I understand it now. I want to consult with my attorney, sir.
Mr. Phillips. All right, go ahead. Please consult.
(Witness confers with counsel.)

Mr. MARCELLO. No, sir.

Mr. WALDIE. Do you have any undisclosed interest in any such endeavor in Louisiana?

Mr. MARCELLO. Absolutely not.

Mr. WALDIE. Do you own any companies that do business with concessionaires, and the particular concessionaire is the Emprise Corp., which I believe operates a subsidiary in Louisiana, known as New Orleans Sportservice. Do you have any companies that do business with New Orleans Sportservice?

Mr. MARCELLO. Do I have companies, any companies?

Mr. WALDIE. Yes. Do you own any interest in any companies that do business with New Orleans Sportservice, to your knowledge?

Mr. MARCELLO. I wouldn't know, to my knowledge.

Mr. WALDIE. Have you had any contact with the Jacobs brothers, who are the owners of the Emprise Corp.

Mr. MARCELLO. The brothers? No, sir. Not that I know of.

Mr. WALDIE. Do you know them personally?

Mr. MARCELLO. I hear of Jacobs. I heard of his daddy years ago. But I have never had no dealing with them.

Mr. WALDIE. I am sorry. You knew the father that has died?

Mr. MARCELLO. I think I met the father that died. I am not positive. But it must have been years ago. I just heard the names by reading it in the paper and seeing what all of the stuff was going on about.

Mr. WALDIE. Do you recall, in that relationship with the father, whether it had to do with any sporting activity in Louisiana, or do you have any recollection of the nature of the relationship?

Mr. MARCELLO. No, sir. I never did fool with no sporting, no racehorses, no racetracks, or nothing of that kind ever.

Mr. WALDIE. Do you own any property on which racetracks are located?

Mr. MARCELLO. Own?

Mr. WALDIE. Yes.

Mr. MARCELLO. No, sir.

Mr. WALDIE. Did you sell any property to racetracks or sporting interests in the Louisiana area?

Mr. MARCELLO. No, sir; I didn't sell any.

Mr. WALDIE. May I ask you this question? In terms of ownership of Hibiscus Stables, does a member of your family have an ownership in Hibiscus Stables?

(Witness confers with counsel.)

Mr. MARCELLO. Sir, would you repeat that again? I didn't understand the question.

Mr. WALDIE. Yes. In the Hibiscus Stables situation, does a member of your family have an ownership in Hibiscus Stables?

Mr. MARCELLO. I wouldn't know, sir. I have a brother who has horses, but I don't know what stable, or nothing. I don't follow up horses at all. I don't bet them.

Mr. WALDIE. What is your brother's name?

Mr. MARCELLO. Vincent Marcello.

Mr. WALDIE. Did you say he owns horses?

Mr. MARCELLO. I think he does own horses. What corporation or what name, I don't know. I wouldn't know.



Mr. WALDIE. Is he involved with you in any business? Is Vincent involved with you in any business ownerships?

Mr. MARCELLO. Just probably on some land.

Mr. WALDIE. Does he act as an officer in any corporations that you own?

Mr. MARCELLO. That I own?

Mr. WALDIE. Yes.

Mr. MARCELLO. No, sir; not that I can think of.

Mr. WALDIE. Have you loaned Vincent any money for any business ventures?

Mr. MARCELLO. Not lately, that I know of.

Mr. WALDIE. When you say "not lately," what would be the last time, in dates, that you loaned Vincent any money for a business venture?

Mr. MARCELLO. It could have been 10 to 20 years ago.

Mr. WALDIE. It would not have been any more recently than that?

Mr. MARCELLO. It could have, maybe. It could have been maybe in the last 6 to 7 years, something like that.

Mr. WALDIE. Can you recall what venture Vincent was engaged in the last time you loaned him money?

Mr. MARCELLO. I think it was the Jefferson Music Co.

Mr. WALDIE. Do you have any interest in the Jefferson Music Co.?

Mr. MARCELLO. Not at this time; no, sir.

Mr. WALDIE. When was the last time you had an interest in the Jefferson Music Co.?

Mr. MARCELLO. I believe it was 1960 or 1961.

Mr. WALDIE. Is that company owned entirely now by Vincent?

Mr. MARCELLO. I think so. I don't know for sure.

Mr. WALDIE. Does Jefferson Music Co. have any interest in any racetracks in Louisiana?

Mr. MARCELLO. I wouldn't know.

Mr. WALDIE. That is all the questions I have at this moment.

Chairman PEPPER. Mr. Steiger, any questions?

Mr. STEIGER. Yes, Mr. Chairman. Thank you.

Mr. MARCELLO. Sir, I would like to ask you a question. I think my brother Sammy is in partnership with Vincent. Now, what part he owns, I wouldn't know.

Mr. WALDIE. In partnership in the Jefferson Music Co.?

Mr. MARCELLO. Yes. Salvadore Marcello.

Mr. WALDIE. Neither of those two brothers, however, if I understood you correctly, have received any moneys from you in terms of that business within the last 6 or 7 years?

Mr. MARCELLO. No, sir.

Mr. WALDIE. And it is further your testimony that neither Vincent nor Sam, your brothers, have received any moneys from you to permit them to engage in any other business activities?

Mr. MARCELLO. No, sir. Outside of Jefferson Music Co., it could have been 6 years, 7 years, it could have been as high as 20-25 years ago.

Mr. WALDIE. Was it for purposes of their purchasing that company the loan was made from you to them?

Mr. MARCELLO. I couldn't say at the present time. I don't have the books.

Mr. MARCELLO. Yes.

Mr. STEIGER. If you don't mind, and if the chairman would indulge me, I would like to explore it a little further.

It is your personal feeling that people who contribute to political campaigns do so in the main because they feel that they need the friendship of the government? Am I putting words in your mouth or is that a fair feeling?

Mr. MARCELLO. No, sir; I just didn't understand you; if you don't mind repeating it over.

Mr. STEIGER. Sure; is it your personal view that people who make political campaign contributions, who donate money to political campaigns, do so because they need the friendship of that particular politician? And since you don't need their friendship, since you are legitimate, there is no need for you to contribute? Is that the of basis for your political philosophy?

Mr. MARCELLO. Yes, sir.

Mr. STEIGER. In the past, then, if you did make any campaign contributions, would you receive a commitment from the politician? Was there an understanding between you and the politician that he would look upon your cause, whatever it might be, kindly, in return for support?

Mr. MARCELLO. No, sir; it wasn't nothing like that.

Mr. STEIGER. Yet you still felt that you needed his friendship for one reason or another, whether it was legal or not, and you felt the best way to achieve his friendship was to support his campaign, whoever he was?

Mr. MARCELLO. No; we are not talking about a campaign maybe of what you are speaking of.

Mr. STEIGER. I am talking about a legitimate contribution, Mr. Marcello. You know how they come around and put the arm on you. I am sure they do. They do it to everyone else in Louisiana. They ask for campaign contributions because they are going to "save Louisiana," or make it a great place to live. When they came around at some time in the past, I gather, you have said, "Yes, I am going to contribute to your campaign." At that time, did you feel that you had a commitment from them to look after you?

Mr. MARCELLO. No, sir.

Mr. STEIGER. Mr. Marcello, at some time in the past you had a rather extended visit to Guatemala. Do you recall that situation?

Mr. MARCELLO. Yes, sir; I sure do.

Mr. STEIGER. What point in time was that, Mr. Marcello, in terms of the year?

Mr. MARCELLO. April 4, 1961.

Mr. STEIGER. Is that when you went to Guatemala?

Mr. MARCELLO. No; I didn't go to Guatemala.

Mr. STEIGER. You did not go to Guatemala?

Mr. MARCELLO. No, sir.

Mr. STEIGER. Where did you go at that point?

Mr. MARCELLO. If you let me explain it to you; I believe I can explain it to you.

Mr. STEIGER. I would be happy to have you explain it.

Mr. MARCELLO. If you are happy, I would be happy to tell you.



On April 4, 1961, I was under deportation order from the U.S. Supreme Court. And I had 72 hours they had to notify me before they can deport me.

Mr. STEIGER. Excuse me. Where were they going to deport you to?

Mr. MARCELLO. To whatever country would accept me at that time, sir.

Mr. STEIGER. All right.

Mr. MARCELLO. I will explain it the best I know it.

At that time I was supposed to report to the Immigration every 6 months, which I do now every 3 months. And by that time Mr. Kennedy got in office, the President, I mean, and then the President put his brother Robert Kennedy as Attorney General, and before Mr. Robert Kennedy got in office, Mr. Aaron Kohn got ahold of Mr. Robert Kennedy and asked him when he will deport Mr. Marcello. What is he going to do.

And Mr. Kennedy, before getting in office, January 20, he responded to Mr. Kohn and the Times Picayune paper in New Orleans, and told him just as soon as he gets in office, he will see that Mr. Marcello will be deported. The clipping, headlines in the paper, in New Orleans. I wish I had them with me. I could show them to you.

On April 4, about a week or 10 days, I can't say exactly, they had seven automobiles with two FBI's in each automobile, watching my house, the Town & Country at the time, which I owned, part of it, and Churchill Farm.

So I got up one morning—one night I seen them and they followed me, and I just didn't know who it was. So the next night I went to bed, the next morning I see three automobiles, one in the front of my house, one on the corner, and one on this side, where they had followed me right to my Town & Country. From the Town & Country I go to Churchill Farm, and they followed me for about 2 or 3 days.

I called—right then and there, the next morning, when I woke up—I called Mr. Wasserman and told him, I said "Something must be up, it seems like some FBI's are following me."

So he said, "Will you check it with the Immigration?"

He called me back after a day or so and said it was nothing to it.

Well, April 4 comes, they watch me for about a week or 10 days. There was supposed to be, the way I understood, FBI's from the Attorney General's Office here in Washington, not from New Orleans. So April 4 I had my attorney, Philip Smith, to drive me to the Immigration to report, which I do every 3 months.

I went in there—and they all know me there, all of the Immigration fellows know me, and I usually walk in and walk out and that was it. But that day he said, "Sit down, Mr. Marcello, I am going to read you a letter."

And the fellow, he was like that [indicating]. He was a very nice fellow, friendly fellow. And I said, "What are you doing?"

Mr. STEIGER. Excuse me. Are you saying he was nervous?

Mr. MARCELLO. Yes; he was nervous when he was reading the letter. And he said, "Will you sit down." I said, "Yes." When I sat down, he was telling me he was deporting me to Guatemala, that I am a citizen of Guatemala, my visa had been terminated, was supposed to go back in March, the 15th, and now it is April 4.

to Guatemala. At the time I was calling, he was catching the plane coming to Guatemala to meet me.

So he got in one hotel and we made contact.

So, after they left me at the hotel, the secret service man said, "No, I am going to leave a man here with you to guard you until your brother gets in."

I said, "OK, sir."

Mr. STEIGER. Excuse me. That for your protection, was that the idea?

Mr. MARCELLO. I found that out after, it was for my protection. Because they had headlines about "Marcello's wealth" and all of this and that. He was scared they would kidnap me there. That was his version, after I talked to him; days after.

I stayed there for quite a while, about 30 days, and I got ahold of Mr. Wasserman. He was trying to get me back, legal and all, and then my family came over, my wife, my daughter, my son, and a couple of my brothers visited me. I stayed there about a month.

Then one night, a congressman of Guatemala said that "You are a Guatemala citizen, the President said it is OK for you to stay, but——"

(Witness confers with counsel.)

Mr. MARCELLO. So they told me, saying, "You are all right, you are a Guatemala citizen."

So the chief of police say, he came and told me, say, "You are going to get deported in the next 24 hours." I said, "What for?" It made me nervous.

He said, "You are going to get deported into San Salvador." It wasn't 12 hours later, I had my other attorney from Shreveport, Mike Maroun, and Vincent and his wife had left, and my wife had left. They kind of fooled them and told them that they was going to send me back, I was going to catch a plane. So they caught a plane and got them out of the way and 12 hours later they grabbed me and my attorney from Shreveport, and they deported me to San Salvador.

When we got over there, there was no place there, most a military, and they put us in a military place, in a barracks. So Mike told them he was an attorney, that his brother was a two-star general, he was talking to the American Consul there.

Mr. STEIGER. It was just you and your attorney at this time?

Mr. MARCELLO. That is all. Just me and my attorney, Mike Maroun, and he was telling them what he was, an attorney, and his brother was a two-star general that they deported us from Guatemala. He gave them the story like it was. He said, "Don't worry about it." So we never did see them. They let us sleep in the quarters of the chief and the colonel, which is Colonel Kaul, and the chief was Casanova.

So we had about $3,000. He had about $1,500 and I had about $1,500. They said, "You want to check it in?" So we checked the money in and gave it to them and they gave us a receipt. So we stayed there for 5 days. We never heard of Colonel Battery. They gave us a dinner that night and feeded us real well.

So, about 5 or 6 days later, 6 days later, at 11 o'clock at night they said, "Get ready, Mr. Marcello." I said, "What is going to happen?" He said, "We are going to deport you into Honduras now."

I said, "Please wait until tomorrow when it is daylight." They said, "No, we have orders from the chief and you are coming now."



Mr. Maroun was trying to talk to them. I said, "Mike, you are just wasting your time, let's go." So we took and went. They put us in a station wagon with about three or four guards, and about 2 o'clock in the morning they got two guys to take us into Honduras.

So we had to walk 17 miles and had to walk mountains and all, and I passed out three times. I couldn't make it, because I am a little older than Mike Maroun. So he made it, so we stopped. It was around—it was around in May, something. It was really warm.

So they took us in to Honduras. From Honduras we went to the capital of Honduras. So Mr. Mike Maroun, he had a visa from Honduras and he got on a plane and came back to the United States. I stayed there for about 2 weeks.

I stayed there. So he went on back to the country and told my mother and my brothers and all that I am all right. They were worried, thought I was dead at the time. So he said, "No, he's not dead." He said, "He's all right, he is in good shape. It is going to take him time to get back."

So one morning I woke up after being there, got tired staying there. I got a cab, and I made nine churches, I burned some candles. I made nine churches. I got on the plane and I come back to the country and I gave myself up.

Mr. STEIGER. Where did you land?

Mr. MARCELLO. I landed in Miami.

Mr. STEIGER. You say you gave yourself up to the Immigration people?

Mr. MARCELLO. When I come from Florida, then I went to New Orleans, I went home and called my attorneys. I told them I was ready to give myself up.

Mr. STEIGER. What did the Immigration people do? What action did they take at that time?

Mr. MARCELLO. They charged me with reentering and a couple of other charges they made. I am sure my attorney could explain it a lot better maybe, if you want some explanation.

Mr. STEIGER. That is fine. Are those charges still pending?

Mr. MARCELLO. No, sir, I beat them all.

Mr. WASSERMAN. That isn't correct.

May I interpose here?

Mr. STEIGER. Certainly, with the chairman's permission.

Mr. WASSERMAN. I can explain the exact legal situation.

First of all, I think you should know that Mr. Marcello was deported to Guatemala on false reputations by the U.S. Immigration Service to the Guatemalan authorities that he was a native and citizen of Guatemala. The Government of the United States was well aware that their documentation was false.

Afterward, Guatemala discovered the falsity of this representation and that is why Mr. Marcello was deported from Guatemala.

Mr. STEIGER. Excuse me, Counsel. What you are saying is that the document that identified Mr. Marcello as a Guatemalan citizen was a false document; is that correct?

Mr. WASSERMAN. What I am saying is that the United States took a forged birth certificate and on the basis of a forged Guatemalan birth certificate, a false entry was made in a community in Guatemala called San Jose Pinula, I believe.

boys from New Orleans invited me to go, wouldn't you come and you can catch a plane later?"

I said, "All right, I will go on with you, because I want to come back to New Orleans."

So just as soon as I walked in the place, before I sat down, they didn't give me time to introduce myself, or to introduce me to them. I didn't know them.

Mr. WALDIE. Was it your understanding that these were gentlemen from New Orleans?

Mr. MARCELLO. No. There was a couple of them from New Orleans with my brother, and the rest of them was from that town. And the purpose of it was just to have lunch, no business whatsoever. No $750,000 or nothing like that.

Mr. WALDIE. Were you aware of who would be at that luncheon?

Mr. MARCELLO. No, sir; I didn't know. It was a surprise. I didn't know at all. At that time, I didn't know nothing. I just met these fellows for the first time.

Mr. WALDIE. Was it your understanding your brother knew about it?

Mr. MARCELLO. Sir?

Mr. WALDIE. Was it your understanding your brother knew those men would be at the luncheon?

Mr. MARCELLO. I don't know if he did or not. One of them from the crowd must have invited him, see. And he invited me to go.

Mr. WALDIE. In other words, it is your understanding—and don't let me put words in your mouth here, but let me try to recite what I understood you to say—it was your understanding this was nothing more than a casual invitation by your brother to have lunch, as long as you were on the way to the airport?

Mr. MARCELLO. Positively. Positively.

Mr. STEIGER. Jerry, I think I might be able to——

Mr. WALDIE. All right, Mr. Steiger.

Chairman PEPPER. Mr. Steiger.

Mr. STEIGER. I believe you have explained to us, Mr. Marcello, that you feel the basis of the identification between you and organized crime has largely been the newspaper in New Orleans and Mr. Aaron Kohn, and his Metropolitan Crime Commission. Is that correct?

Mr. MARCELLO. Absolutely. That's it.

Mr. STEIGER. In addition to the gentlemen at that luncheon, that unfortunate luncheon, do you recall meeting, or doing business with Steve Maggadino?

Mr. MARCELLO. I wouldn't know him.

Mr. STEIGER. Do you remember meeting with Joseph Barbara?

Mr. MARCELLO. I wouldn't know him.

Mr. STEIGER. Do you remember meeting with John J. Masoni?

Mr. MARCELLO. John J. Masoni; yes, I know him.

Mr. STEIGER. Do you remember when you met with him?

Mr. MARCELLO. Oh, I met a number of times with him.

Mr. STEIGER. Was that with regard to a prospective land purchase that you were showing him; some land that might possibly be available for the racetrack that he wanted to start?

Mr. MARCELLO. Yes.



Mr. STEIGER. That jogs your memory?

Mr. MARCELLO. Yes, sir.

Mr. STEIGER. Do you remember meeting with Joe Adonis?

Mr. MARCELLO. No, sir; I can't remember that.

Mr. STEIGER. Do you remember meeting with Gerardo Catena?

Mr. MARCELLO. No, sir.

Mr. STEIGER. Do you remember meeting with either of the Civello brothers of Kansas City?

Mr. MARCELLO. Not as I know, sir.

Mr. STEIGER. Joseph Civello, of Dallas?

Mr. MARCELLO. I heard of him.

Mr. STEIGER. Well, Mr. Marcello, these people have all, with the exception of Mr. Masoni, have been similarly identified as you have, by organizations other than Mr. Kohn's organization, or the Times-Picayune newspaper, as members of organized crime. Now, I wonder, again, this is obviously just a personal view on your part, but do you feel that they, themselves, are also victims of people who are trying to embarrass them or do them harm, or sell newspapers, or do something? Are each of the people incorrectly identified as members of organized crime?

I am just asking your opinion.

Mr. MARCELLO. I really don't understand the question.

Mr. STEIGER. I will say it again. I read you a list of names.

Mr. MARCELLO. Yes, sir.

Mr. STEIGER. With the exception of John G. Masoni, all of those names have been identified by different organizations as members of organized crime.

Mr. MARCELLO. Yes, sir.

Mr. STEIGER. I ask you now, if you feel that these people are also improperly identified as members of organized crime?

(Witness confers with counsel.)

Mr. MARCELLO. I don't know the rest of the fellows. I do know Mr. John Masoni.

Mr. STEIGER. Yes, sir; I understand that.

Mr. MARCELLO. I really don't know the rest of them.

Mr. STEIGER. Mr. Marcello, you are straining our credulity a little bit, because in many publications you have been identified as meeting with these people, in addition to that luncheon. There are records of phone calls, for example, in May of 1966, between yourself and Mr. Zerilli of Detroit. I realize, a man with varied interests can meet a lot of people and not remember them, but it is very difficult not to remember people who have achieved the kind of prominence that these people have achieved.

Are you telling me that all of the accusations, if you will, and all of the details of the structure of organized crime, as far as you are concerned, at least, are the figment of somebody's imagination? Is that correct?

Again, obviously you can't speak for these other gentlemen.

Mr. MARCELLO. Yes, I can't speak for them. I think Mr. Kohn and the newspaper just imagined these things. They make things up. They make a living out of that there—Mr. Marcello and the Marcellos. I have six brothers.

Mr. WINN. In 1966, shortly before the infamous luncheon, the FBI raided the Jones Brothers business, which was distributing gambling equipment from Jefferson Parish to places all over the country. Did you go to New York to discuss what might be the business and the equipment, since the FBI had seized the records of the company's shipments to all parts of the country?

Mr. MARCELLO. No, sir. I did not.

Mr. WINN. That wouldn't possibly be one of the reasons that you were invited to the luncheon?

Mr. MARCELLO. No, sir.

Mr. WINN. Are you a business stockholder in any way in the Jones Brothers' business?

Mr. MARCELLO. Absolutely not.

Mr. WINN. Were any of your brothers, in 1966?

Mr. MARCELLO. I couldn't answer you about my brothers.

Mr. WINN. You don't know what your brothers did?

Mr. MARCELLO. No, sir. They are over 40 years old.

Mr. WINN. I am sorry, I didn't hear you.

Mr. MARCELLO. I know what some of them are doing, but I don't know what every one of them are doing. I couldn't answer for them otherwise.

Mr. WINN. You don't know all of their involvements?

Mr. MARCELLO. No, sir; I don't.

Mr. WINN. But to your knowledge, you don't know about your brothers, and you say you, yourself, are not involved with the Jones brothers?

Mr. MARCELLO. To my knowledge, I don't think they are.

Mr. WINN. Do any of your brothers deal in any way, to your knowledge, in gambling equipment?

(Witness confers with counsel.)

Mr. MARCELLO. I really don't know.

Mr. WASSERMAN. Congressman, may I interpose here? There is an indictment against the two brothers involved with the Jefferson Music Co. There is a dispute as to whether or not pinballs are gambling equipment.

Mr. WINN. Those are slot machines?

Mr. WASSERMAN. No, pinball machines.

Mr. MARCELLO. Yes, sir.

Mr. WINN. And the question is: Do they pay money back to the place?

Mr. WASSERMAN. There is gambling under the Louisiana law. That is the question which is being contested in court.

This is the reason I think it is hard for Mr. Marcello to definitely answer that question.

Mr. WINN. All right. I appreciate that answer. I am trying to ascertain if Mr. Marcello or any of his brothers are involved in the Jones Brothers operation, the records of which were seized in 1966, shortly before the luncheon. I believe he said "No." He didn't know anything about that.

Mr. MARCELLO. No, sir.

Mr. WINN. Thank you, Mr. Chairman.

Chairman PEPPER. Mr. Murphy.



Mr. MURPHY. Thank you, Mr. Chairman.

Mr. Marcello, do you presently hold or have you ever held any interest in any professional sporting team, racetrack, or any manufacturing company that would make items used in the sporting industry?

Mr. MARCELLO. No, sir.

Mr. MURPHY. Did you ever attempt to purchase interest in Jefferson Downs or any other track in Louisiana?

Mr. MARCELLO. We talked about it a number of times.

Mr. MURPHY. Did you ever make any formal offer?

Mr. MARCELLO. No, sir; no formal offer.

Mr. MURPHY. Do you own any stock in any concession company connected with professional sports?

Mr. MARCELLO. With them, with Sports Enterprise, you mean?

Mr. MURPHY. With any sports enterprises or any other.

Mr. MARCELLO. No, sir.

Mr. MURPHY. You have no interests in any concessions?

Mr. MARCELLO. No, sir.

Mr. MURPHY. No interest in any track?

Mr. MARCELLO. No, sir.

Mr. MURPHY. Any professional football or basketball team?

Mr. MARCELLO. No, sir.

Mr. MURPHY. Baseball team?

Mr. MARCELLO. I wouldn't know nothing about football or basketball.

Mr. MURPHY. Have you ever appeared, or has anyone appeared in your behalf before any regulatory agency of the State of Louisiana for racing dates?

Mr. MARCELLO. I didn't get that, sir. Would you mind repeating it?

Mr. MURPHY. Have you, or has anyone in your behalf, appeared before any State regulatory body concerning racetrack dates in Louisiana, or in any other State?

Mr. MARCELLO. No, sir.

Mr. MURPHY. That is all the questions I have, Mr. Chairman.

Chairman PEPPER. Mr. Keating.

Mr. KEATING. Mr. Marcello, I understand you have six brothers; is that correct?

Mr. MARCELLO. Yes.

Mr. KEATING. Are they all in Jefferson Parish in Louisiana?

Mr. MARCELLO. Jefferson and Orleans Parish.

Mr. KEATING. Are you in business with any of your brothers, now?

Mr. MARCELLO. No, sir.

Mr. KEATING. From time to time, have you been in business with each of them, in some respect, over the years, until now?

Mr. MARCELLO. Let me revise that question.

A number of my brothers put up money with me on land dealings, let's put it that way. But as far as in their business, like one of them owns a restaurant, one owns Jefferson Music, I am not in business with them. But they do put up money with me on land deals. You know, take a piece of it or something like that.

Mr. KEATING. That was true in the Town & Country situation?

Mr. MARCELLO. Sir?

Mr. MARCELLO. Yes, more.

Mr. KEATING. I don't have any further questions, Mr. Chairman.

Chairman PEPPER. Mr. Marcello, you referred to a forged document as the basis of your deportation from the United States to Guatemala. Do you know how the Immigration and Naturalization Service obtained that document, which you say was forged?

Mr. WASSERMAN. I think I could answer that.

Mr. MARCELLO. I couldn't answer it, sir. I really could not answer it, to be honest with you.

Chairman PEPPER. You said the U.S. Government had a forged document, and I understood you to say that they knew it was a forged document.

Mr. WASSERMAN. I made that statement, Congressman.

Chairman PEPPER. You made the statement. Let me ask Mr. Marcello the question.

Did the Government of the United States, through any department or agency thereof, have a document indicating that you were born in Guatemala?

Mr. MARCELLO. Yes. They had a document and they also had, what you call a visa, that they brought to me when they kidnapped me at the time. Reentry point. They said I stayed over my time in New Orleans, so that is why they were taking me back to Guatemala, and they had a visa. They had got a visa from Guatemala saying I was a Guatemalan citizen, and it expired March 15.

When I got there April 4, they say I was overdue my time and that is when they took me back to Guatemala, sir.

Chairman PEPPER. You say the Government of the United States did have a document purporting to show you were born in Guatemala?

Mr. MARCELLO. Yes, sir.

Chairman PEPPER. I ask you now, do you know how the Government of the United States got that document?

Mr. MARCELLO. I couldn't say how they got it, but I know they misrepresented when they got the visa and they told the Ambassador in Mexico, and the Ambassador in Mexico, the way I understand it, went to Guatemala and got me the permit.

Chairman PEPPER. My question was: Do you know how that document that you say was a forged document came into the hands of the Government of the United States?

Mr. MARCELLO. No, sir; I couldn't exactly say. No sir.

Chairman PEPPER. You don't know?

Mr. MARCELLO. No, sir, but I have been telling the American Govment, since I was born—I came here when I was 8 months old and had it on my record from the day I was arrested—that I was born in Tunis, Africa. The Government knew it all of the time.

Chairman PEPPER. You were born where?

Mr. MARCELLO. In Tunis, Africa. The Government has been knowing that since 1929, or 1930.

Chairman PEPPER. Did you give the Government of the United States the document that you say was a forged document, indicating that you were born in Guatemala?

Mr. MARCELLO. I didn't get that.

Chairman PEPPER. Did you, yourself, give to the Government of the United States the document which you say was a forged document, or



purporting to show you were born in Guatemala? Did you, yourself, give that document to the U.S. Government?

Mr. MARCELLO. No, sir. No, sir.

Chairman PEPPER. You did not?

Mr. MARCELLO. No, sir.

Chairman PEPPER. Did either of your brothers give it to the Government of the United States?

Mr. MARCELLO. No, sir; not as I know of.

Chairman PEPPER. Are you sure?

Mr. MARCELLO. I am sure that I didn't give the Government anything.

Chairman PEPPER. Are you sure that neither one of your brothers gave the document to the Government of the United States?

Mr. MARCELLO. Not as I know, sir. I couldn't say no more than that, sir.

Chairman PEPPER. You don't have any personal knowledge——

Mr. MARCELLO. No, sir; I don't have any personal knowledge.

Chairman PEPPER (continuing). That one of your brothers gave that document to the Government of the United States?

Mr. MARCELLO. No, sir.

Chairman PEPPER. That is your answer here?

Mr. MARCELLO. Yes, sir.

Chairman PEPPER. Do you recall that there was a great deal of publicity given to the so-called Apalachin meeting of a good many men who were reputed to be members of organized crime in the United States?

Mr. MARCELLO. Yes, sir.

Chairman PEPPER. You remember there was such a meeting?

Mr. MARCELLO. I read it in the paper, sir.

Chairman PEPPER. Do you recall what year that was?

Mr. MARCELLO. No, sir; I really don't.

Chairman PEPPER. I have been told it was the year 1957. Does that refresh your memory?

Mr. MARCELLO. I couldn't tell you, sir. It could be. I wouldn't know.

Chairman PEPPER. You told us a while ago, as I recall, that there is no such thing as organized crime in the United States?

Mr. MARCELLO. I said I don't know nothing about organized crime, sir. That is what I said.

Chairman PEPPER. You don't have any knowledge of it?

Mr. MARCELLO. I have no knowledge at all.

Chairman PEPPER. No knowledge that there is such a thing as organized crime in the United States——

Mr. MARCELLO. Absolutely.

Chairman PEPPER (continuing). Where reputedly, in many of the cities of the country, there are groups of people who work together to make money from illicit operations and to carry on illicit enterprises?

Mr. MARCELLO. No, sir; I don't know.

Chairman PEPPER. You don't have any knowledge of any such existence of that kind of group, or that kind of operation in the United States?

Mr. MARCELLO. None whatsoever.

Chairman PEPPER. And when you read in the paper that this was a meeting of the so-called top figures in what was then called organized

Mr. MARCELLO. Absolutely not.

Chairman PEPPER. You said, did you not, that one of your brothers owned some racehorses in New Orleans, La?

Mr. MARCELLO. Yes.

Chairman PEPPER. Which one of your brothers?

Mr. MARCELLO. Vincent Marcello.

Chairman PEPPER. Do they race at tracks in Louisiana?

Mr. MARCELLO. I guess he races—I don't know. I have never followed the racetracks. I wouldn't know nothing about a racetrack.

Chairman PEPPER. How many horses does your brother have?

Mr. MARCELLO. I wouldn't know, sir, because I never foot with horses. I never go to a racetrack. The last time I was at a racetrack was in LaFayette. That was about 2 or 3 years ago. And I have never been to Jefferson Downs or the Fairgrounds.

Chairman PEPPER. Where does your brother keep his horses?

Mr. MARCELLO. I really couldn't say, sir.

Chairman PEPPER. Where does your brother, who owns the horses, live?

Mr. MARCELLO. Gretna, La., Jefferson Parish.

Chairman PEPPER. He doesn't keep his horses there?

Mr. MARCELLO. No, sir. That is Gretna, La., he stays, but I don't know where he keeps his horses.

Chairman PEPPER. And you don't know how many horses your brother has?

Mr. MARCELLO. Really, sir, I don't.

Chairman PEPPER. It has been reported to this committee you and your brothers are intimate with one another, that you all work together, that you see one another socially, a great deal. I am rather surprised that you don't have more information about how many horses your brother has, or where they race.

Mr. MARCELLO. We are very close, but that is something I don't fool with is horses, and I never did want my brother to fool with horses.

I always told him to give them up. They are no good for him. But that is his hobby and I don't want to ask him nothing about his business. He is 50 years old, sir. I don't care nothing about his horses. I don't bet on them or nothing.

Chairman PEPPER. What businesses are your brothers engaged in?

Mr. MARCELLO. One has a restaurant.

Chairman PEPPER. Do you know about that? How large a restaurant it is?

Mr. MARCELLO. It is a big restaurant.

Chairman PEPPER. What other business does the one who owns the restaurant have?

Mr. MARCELLO. Well, he is in some land investment with me.

Chairman PEPPER. With you?

Mr. MARCELLO. Yes.

Chairman PEPPER. What businesses, now, are your other brothers engaged in?

Mr. MARCELLO. Well, Anthony is in gift shop. He has a gift shop. And my other brothers run a restaurant.

Chairman PEPPER. Several of your brothers operate the restaurant together?



Mr. MARCELLO. Yes, two brothers. One running the Elwood and one running Town and Country.

Chairman PEPPER. Is one of the brothers who operates the restaurant the owner of the horses?

Mr. MARCELLO. No, sir. That is Vincent.

Chairman PEPPER. Do these brothers who operate the restaurant own any horses?

Mr. MARCELLO. Not as I know, sir. Absolutely.

Chairman PEPPER. Do you know Mr. John Masoni?

Mr. MARCELLO. John Masoni?

Chairman PEPPER. Masoni.

Mr. MARCELLO. Yes, I know him.

Chairman PEPPER. Have you ever discussed the sale of land for the purpose of becoming part of a racetrack with Mr. John Masoni?

Mr. MARCELLO. Yes.

Chairman PEPPER. Did the deal go through?

Mr. MARCELLO. No, sir.

Chairman PEPPER. Are you telling the committee now, Mr. Marcello, that you have had no interest in any racetrack that operates in the State of Louisiana?

Mr. MARCELLO. No, sir.

Chairman PEPPER. You do not now have any?

Mr. MARCELLO. No, sir.

Chairman PEPPER. Have you sold any supplies to any concessionaire at any racetrack in Louisiana?

Mr. MARCELLO. I didn't get that, sir.

Chairman PEPPER. Have you sold any supplies?

Mr. MARCELLO. Supplies?

Chairman PEPPER. Yes, of any kind, to the concessionaire of any racetrack in Louisiana?

Mr. MARCELLO. Myself?

Chairman PEPPER. Yes.

Mr. MARCELLO. No, sir.

Chairman PEPPER. Has any of your family sold any supplies?

Mr. MARCELLO. I couldn't say what my family have done. I couldn't answer that question.

Chairman PEPPER. Have you had any dealings, or any member of your family had any dealings, with Emprise Corp.?

Mr. MARCELLO. Not as I know, sir. I couldn't say what my family do.

Chairman PEPPER. You knew they were engaged in a restaurant?

Mr. MARCELLO. I wouldn't know. I wouldn't know what they are doing. I couldn't answer that question.

Chairman PEPPER. You know they are engaged in a restaurant?

Mr. MARCELLO. Yes, but I don't know. Maybe a racetrack might be buying something off of them. I wouldn't know. I don't believe. The best of my knowledge, I really don't know, sir.

Chairman PEPPER. Would you care to state to the committee Mr. Marcello, what your net worth is?

Mr. MARCELLO. I don't know, myself, sir.

Chairman PEPPER. Would you want to approximate it?

Mr. MARCELLO. I couldn't say that. I would have to talk to probably my accountant. I wouldn't know.

Mr. MARCELLO. No control over my brothers.

Mr. WALDIE. One report we have indicated that you maintain some connection with Jefferson Music Co. Do you have a phone registered in your name at the Jefferson Music Co.?

Mr. MARCELLO. Not that I know of.

Mr. WALDIE. Neither do you have——

Mr. MARCELLO. Excuse me. If there was, it must have been there 10–20 years ago. If it is still there, I wouldn't know.

Mr. WALDIE. And the other item in that report is that you have a secretary that works for you at Jefferson Music Co. Is that correct?

Mr. MARCELLO. No, sir. She used to work at Jefferson Music. Now she is working for me.

Mr. WALDIE. How long has that relationship been in existence? How long ago did she leave Jefferson Music Co.?

Mr. MARCELLO. I would offhand say about 8–9 years. Maybe longer than that, sir.

Mr. WALDIE. I have no further questions.

Chairman PEPPER. Mr. Redding.

Mr. REDDING. Just briefly, in the course of your business dealings, do you ever have occasion to loan money to business associates or friends?

Mr. MARCELLO. I didn't get that?

Mr. REDDING. In the course of your business dealings, do you ever have occasion to loan money to business associates or friends, or people who seek financial assistance?

Mr. MARCELLO. Sometimes I do.

Mr. REDDING. How much have you loaned in the last 10 years to John Mecom, the owner of the New Orleans Saints?

Mr. MARCELLO. None whatsoever.

Mr. REDDING. How about his son, John Mecom, Jr.?

Mr. MARCELLO. I didn't lend him no money.

Mr. REDDING. Have you lent any money to the football team, itself?

Mr. MARCELLO. No, sir.

Mr. REDDING. None at all?

Mr. MARCELLO. No, sir.

Mr. REDDING. Thank you.

Mr. MARCELLO. None at all.

Chairman PEPPER. Mr. Marcello, are you the oldest of the brothers?

Mr. MARCELLO. Yes, sir.

Chairman PEPPER. Are you what is usually called the head of the family?

Mr. MARCELLO. Yes, sir.

Chairman PEPPER. Thank you very much. You are excused.

Mr. MARCELLO. Thank you all so much.

Chairman PEPPER. We have a quorum call. The committee will recess until 2 o'clock, when the attorney general of Rhode Island will be the first witness.

(Thereupon, at 12:25 p.m. the hearing was recessed, to reconvene at 2 p.m. this same day.)

AFTERNOON SESSION

Chairman PEPPER. The committee will come to order, please.

I will ask my distinguished colleague, Representative Tiernan, if he would be good enough to present the next witness.

Mr. PHILLIPS. Can you tell us what the sentence of the court was?
Mr. PATRIARCA. Five years, $10,000 fine.
Mr. PHILLIPS. Can you tell us when you are eligible for parole.
Mr. PATRIARCA. I passed the parole time.
Mr. PHILLIPS. You can get out on parole in the near future if the parole board permits?
Mr. PATRIARCA. Well, there is no parole. There is a mandatory release time, but no parole to it. They refused my parole. They let me pay my fine, but they didn't give me no parole with it.
Mr. PHILLIPS. With you, Mr. Patriarca, are two gentlemen who are, I imagine, your counsel. Counsel, could you place your names and addresses in the record, and the name of the bar to which you are admitted?
Mr. BROWER. Attorney Harvey Brower, 75 Reddington Street, Swampscott, Mass. I am a member of the bar of the Commonwealth of Massachusetts.
Mr. NAPOLITANO. Mr. Napolitano, 102 Exchange Street, Portland, Maine, I am with the Maine bar.
Mr. PHILLIPS. Is that the only conviction you had recently, Mr. Patriarca? Did you have another conviction beside the one you are serving now?
Mr. PATRIARCA. In 35 years, the one I am serving now is the first one in 35 years.
Mr. PHILLIPS. Do you have another conviction in a State court which is pending appeal?
Mr. PATRIARCA. Yes, pending appeal; yes.
Mr. PHILLIPS. What was the conviction for?
Mr. PATRIARCA. For the same thing, sir; conspiracy.
Mr. PHILLIPS. What is the sentence in the State court?
Mr. PATRIARCA. Ten years.
Mr. PHILLIPS. Have you started that sentence or not?
Mr. PATRIARCA. Yes, sir; I have. It is running with my 5 years. I will have 2 years in, in August.
Mr. PHILLIPS. So the Federal and State sentence are running concurrently at this time?
Mr. PATRIARCA. Yes, sir.
Mr. PHILLIPS. When did you start your sentence, Mr. Patriarca?
Mr. PATRIARCA. 1969.
Mr. PHILLIPS. Prior to 1969, can you tell us what your occupation was?
Mr. PATRIARCA. Yes. I have been associated with the National Cigarettes in Providence, R.I.
Mr. PHILLIPS. What is the National Cigarettes of Providence?
Mr. PATRIARCA. It is a vending company. It puts cigarette machines out; only cigarette machines, nothing else.
Mr. PHILLIPS. Can you tell us how long you were so engaged with that organization?
Mr. PATRIARCA. Approximately, I would say, 15 or 17 years, I guess.
Mr. PHILLIPS. What was your title, or what was your position with the National Vending?
Mr. PATRIARCA. I was partner with Phillip Carozzo, who is dead now, I understand. Since I have been away he has died.
Mr. PHILLIPS. Can you tell us who else was associated with that



Mr. PATRIARCA. That company was just between him and I. I understand since then his son, Sam, has taken over.
Mr. PHILLIPS. I see. During that period of time was Mr. Tamello associated with that company?
Mr. PATRIARCA. No, sir; he never was associated.
Mr. PHILLIPS. How about Mr. Angiulo?
Mr. BROWER. Mr. Counsel, at this time I am going to object to the question pursuant to your rule 11(e). If I may further state the basis for my objection under that rule, it is that the question itself is in violation of title XVIII, section 2516, of the United States Code. It is in violation of the fourth amendment to the United States Constitution.
Mr. PHILLIPS. What is your basis for that?
Mr. BROWER. The basis of the objection is that the question is framed based upon information that was obtained through the result of an illegal wiretap.
Mr. PHILLIPS. That is not the case, Counsel.
Mr. BROWER. The objection, as I have made it, is to the question.
Mr. PHILLIPS. The question was not based on any information in any illegal wiretap.
Mr. BROWER. May the question be repeated?
Mr. PHILLIPS. Could you read back the question, Mr. Reporter. (Question read.)
Mr. PATRIARCA. No, sir; Mr. Angiulo was never associated with the National Cigarettes Co.
Mr. PHILLIPS. How about Louis J. Taglinetti?
Mr. PATRIARCA. He worked there, sir.
Mr. PHILLIPS. What did he work at?
Mr. PATRIARCA. He was a goodwill man at the place.
Mr. PHILLIPS. How much money did you earn from your association with that organization?
Mr. PATRIARCA. Altogether, sir, or how much a year?
Mr. PHILLIPS. How much a year?
Mr. PATRIARCA. Oh, I would say between $25,000 to $30,000 a year, I guess. I cannot remember quite, but maybe the earliest part of the years was a little less, but I think the last year it was around $25,000 or the year before that, and so forth, and we have been paying taxes.
Mr. PHILLIPS. In 1969, or thereabouts, did you have any other source of income?
Mr. PATRIARCA. Did I have any other source of income in 1969? Well, I had some rents coming in on real estate. I had a dump going at the time, but it brought in a little money. I would have to get my accountant to look that up, if you want to go into that. I don't know because I have been in prison. The bookkeeper has been taking care of it. The accountant has been filing since I have been in prison.
Mr. PHILLIPS. That goes back to 1969 before you went to prison.
Mr. PATRIARCA. I didn't file until I was in prison, sir. In April they filed it.
Mr. PHILLIPS. Did you have any money from gambling sources?
Mr. PATRIARCA. I never had no money from gambling.
Mr. PHILLIPS. You never obtained money from gambling?
Mr. BROWER. Again, Mr. Counsel, I will object to that, and the basis of the objection again is that it is in violation of title XVIII, section

Yes, Mr. Patriarca, have you a statement to make?

Mr. PATRIARCA. To the best of my knowledge is this here: That I did play at the track but I was never a bookmaker in my life. I did not derive no money being a bookmaker. I have bet horses on and off. If you ask me how much, you will have to call the Internal Revenue. They have the reports. I paid the taxes. That is the best information I can give you. As far as being connected with bookmakers, I am not connected. I never made a penny with them.

Mr. PHILLIPS. Did you ever receive any money from Mr. Angiulo?

Mr. BROWER. Mr. Counsel, I am now again going to object to the question under rule 11(c). Again, I am basing the objection on the fact that the information which you are seeking, and the question which has been phrased, is in violation of title XVIII, section 2515, and the fourth amendment to the U.S. Constitution.

Mr. PHILLIPS. That was not the case.

Chairman PEPPER. I am sorry, go ahead.

Mr. BROWER. The objection is being made under your rules, and I would request pursuant to the rules that I have a ruling by the chairman of the committee.

Chairman PEPPER. The question, Mr. Counsel, was: Did he ever receive any money from Mr. Angiulo. That is a rather simple question. If it would tend to incriminate the witness he has a right to decline to answer. But just to ask him the question, did he ever receive any money from Mr. Angiulo, it may or may not have significance. I don't understand what your legal objection would be, if it is not a question that would tend to incriminate the witness, to the witness answering the question.

Mr. BROWER. If I may read to the committee and you, Mr. Chairman, title XVIII, section 2515, of the United States Code, a very brief section:

> Whenever any wire or oral communication has been intercepted no part of the contents of such communication and no evidence derived therefrom may be received in evidence in any trial, hearing or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the United States, a State or a political subdivision thereof if the disclosure of that information would be in violation of this chapter.

Mr. PHILLIPS. The chapter was passed long after the conversation you are concerned about, Counsel.

Mr. BROWER. The information that is now being sought——

Mr. PHILLIPS. The question was not based upon any wiretap or other electronic recording.

Mr. BROWER. In order to advise my client properly, I would ask you, Counsel, if you are stating for the record that the question that you have just framed is not based upon any wiretap information which you have in your possession.

Mr. PHILLIPS. That is correct. I just said that.

Mr. BROWER. Thank you.

If I may have a moment.

(Witness conferring with counsel.)

Mr. PATRIARCA. I decline to answer on account it may tend to incriminate me.

Chairman PEPPER. What was your answer, Mr. Patriarca?



Mr. PATRIARCA. The fifth amendment. I decline to answer on the ground it may tend to incriminate me.

Chairman PEPPER. Very well. Go ahead, Mr. Counsel.

Mr. PHILLIPS. Mr. Patriarca, could you tell us when you first met Mr. Angiulo.

(Witness conferring with counsel.)

Mr. PATRIARCA. I decline to answer on the first and fifth.

Mr. PHILLIPS. Can you tell us when you first met Mr. Dario?

(Witness conferring with counsel.)

Mr. PATRIARCA. I met Mr. Dario way back, I think, in 1927 or maybe 1928, when he had a Chrysler dealer in Woonsocket. I bought a car from Mr. Dario. As far as knowing Mr. Dario, as far as being social with him, I never socialized with him. I saw him three times. Another time I bought my son a Lincoln for his birthday after his mother died in 1966. That is the only business I ever had with Mr. Dario.

Mr. PHILLIPS. Prior to 1969 before you went to jail, how many times had you seen Mr. Dario?

(Witness conferring with counsel.)

Mr. PATRIARCA. I decline to answer on the first amendment.

Mr. PHILLIPS. The first amendment.

Chairman PEPPER. You mean the fifth amendment?

Mr. BROWER. No; the first, Mr. Chairman, The right of association.

Chairman PEPPER. Are you declining to answer on the ground your answer might tend to incriminate you?

Mr. PATRIARCA. On advice of attorney.

Mr. BROWER. Mr. Chairman, the witness is invoking the first amendment privilege under the Constitution of the United States, which I assume still prevails, in that he has a right to associate with an individual.

Mr. PHILLIPS. That is not a ground for not answering a question, counsel, as you are well aware.

Mr. BROWER. I am objecting to the question and he is refusing to answer based on the first amendment.

Chairman PEPPER. If your objection is on the first amendment, it is overruled. If it is on the fifth amendment, it will be sustained.

(Witness conferring with counsel.)

Mr. PATRIARCA. I decline to answer on the ground of the fifth amendment.

Mr. PHILLIPS. Mr. Patriarca, could you tell us how long you knew Tommy Lucchese?

(Witness conferring with counsel.)

Mr. PATRIARCA. I decline to answer on the first amendment.

Mr. PHILLIPS. You have already had a ruling in relation to that.

Mr. BROWER. May the record reflect that the witness declines to answer based on the fifth amendment under compulsion and refusal of this committee to recognize the first amendment of the Constitution of the United States.

Mr. PHILLIPS. The objection may reflect that, Counsel, but it is entirely improper for you to suggest this committee does not recognize the first amendment of the Constitution. You are incorrect that we don't recognize the first amendment. You know, as an attorney, that the first amendment objection is entirely erroneous. To sit there and

Chairman PEPPER. Let me ask you again: Do you know whether or not Mr. Dario was the general manager or connected with the Berkshire Downs track in 1961 or 1962?

(Witness conferring with counsel.)

Mr. PATRIARCA. I decline to answer on the fifth amendment.

Chairman PEPPER. I will ask you one more time. To refresh your memory, did you ever attend a board of directors meeting of the Berkshire Downs track in Massachusetts? I mean sit in the same room with the board of directors at a time when they were meeting as a board of directors of that track?

(Witness conferring with counsel.)

Mr. PATRIARCA. I decline to answer, I claim my fifth amendment privilege.

Chairman PEPPER. Mr. Patriarca, do you know Mr. Salvatore Rizzo?

(Witness conferring with counsel.)

Mr. PATRIARCA. I claim my first and fifth amendments.

Chairman PEPPER. Do you know whether Mr. Rizzo had any interest in 1961 or 1962 in the Berkshire Downs Racetrack?

Mr. PATRIARCA. I claim my fifth amendment privilege.

Chairman PEPPER. Is it your intention to give that answer to other questions that may be asked you?

(Witness conferring with counsel.)

Mr. PATRIARCA. I may be able to answer just specific questions. "Other questions" I am not going to answer one way or another when I don't know what I am talking about.

Mr. PHILLIPS. Was Mr. Rizzo introduced to you by Mr. Lucchese?

Mr. PATRIARCA. I claim my fifth amendment privilege.

Mr. PHILLIPS. Do you know Mr. Saul Friedman?

Mr. PATRIARCA. Yes, I know Mr. Saul Friedman. He was an attorney of mine.

Mr. PHILLIPS. Can you tell us whether he did any investing for you or had any business interests on your behalf?

Mr. PATRIARCA. I claim my fifth amendment privilege.

Mr. PHILLIPS. Isn't it a fact that Mr. Friedman represented you and put money in the Berkshire Downs track for you?

Mr. PATRIARCA. I claim my fifth amendment privilege.

Mr. PHILLIPS. Could you tell us whether you ever went to New York to effect a peace between the families which were warring in New York?

(Witness conferring with counsel.)

Mr. PATRIARCA. Will you repeat the question again?

Mr. PHILLIPS. Did you ever go to New York to meet with Tommy Ryan in order to try to effect a peace of the groups that were fighting in New York at that time? Do you understand the question?

Mr. BROWER. Mr. Chairman, I would like to object for the record to this question based upon title XVIII, section 2515, and the fourth amendment of the U.S. Constitution, and I would request under your rules a ruling on my objection.

Chairman PEPPER. Objection overruled.

Mr. PATRIARCA. I claim my fifth amendment privilege.

Mr. PHILLIPS. Mr. Patriarca, are you known to all the members of the commission in this country of organized crime?



(Witness conferring with counsel.)

Mr. PATRIARCA. I claim my fifth amendment.

Mr. PHILLIPS. Did you know Vito Genovese?

(Witness conferring with counsel.)

Mr. PATRIARCA. I claim my first and fifth amendment.

Chairman PEPPER. Mr. Murphy, do you have any questions?

Mr. MURPHY. Thank you, Mr. Chairman.

Mr. Patriarca, have you ever met Frank Sinatra?

Mr. PATRIARCA. I never met Frank Sinatra personally. I seen him on television and at the moving pictures.

Mr. MURPHY. Did you ever have any business dealings with him?

Mr. PATRIARCA. No, sir.

Mr. MURPHY. Did you ever purchase any stock from him?

Mr. PATRIARCA. No, sir.

Mr. MURPHY. Anybody on your behalf do it?

(Witness conferring with counsel.)

Mr. PATRIARCA. I claim my fifth amendment privilege.

Mr. MURPHY. Do you have any knowledge that anyone associated with you had any business dealings with him?

Mr. PATRIARCA. I claim my fifth amendment privilege.

Mr. MURPHY. Do you know Mr. Joe Barboza?

Mr. BROWER. Mr. Chairman. I would like to object to that question, and again I would like to strenuously object, due to the fact that there is an indictment pending in which Mr. Barboza is a witness for the State. Any answer to this question could be read into evidence in the event Mr. Patriarca decided to take the stand in his own defense. The question, I would submit to you, is unfair and unjust and is a violation of the sixth amendment right to confrontation.

Chairman PEPPER. Mr. Counsel, there couldn't possibly be any criminal significance in anybody answering the question, Do you know Mr. Barboza? We know him and the people who are in this hearing room know him because they saw him appear here as a witness. Just to answer the question whether you know anybody or not, it wouldn't seem to me, to be any basis for objection. He could say "Yes" or "No." I cannot see any possible basis for objection. The objection is overruled.

(Witness conferring with counsel.)

Mr. MURPHY. Again, Mr. Patriarca, do you know Mr. Joe, "the Baron," Barboza?

Mr. PATRIARCA. I claim my fifth amendment privilege.

Mr. MURPHY. Have you ever had any interest in an establishment or nightclub called the Ebb Tide?

(Witness conferring with counsel.)

Mr. PATRIARCA. No, sir; I never had. I don't even know where it is.

Mr. MURPHY. Do you know a Mr. Castucci?

He is the owner of the Ebb Tide which is located in Revere, Mass.

(Witness conferring with counsel.)

Mr. PATRIARCA. I claim my first and fifth amendment privilege.

Mr. MURPHY. You say you never visited the Ebb Tide?

Mr. PATRIARCA. Yes, sir, I never visited.

Mr. MURPHY. You never were there?

Mr. PATRIARCA. No, sir.

Mr. MURPHY. That is all the questions I have, Mr. Chairman.

Mr. WINN. Do you know a Mr. Carson?

Mr. PATRIARCA. No, sir; not that many times.

(Witness conferring with counsel.)

Mr. PATRIARCA. I claim my fifth amendment privilege.

Mr. WINN. Have you ever seen Mr. Carson at any of the racetracks?

Mr. PATRIARCA. I claim my fifth amendment privilege.

Mr. WINN. Have you ever had lunch with Mr. Carson or any of the board of directors of Berkshire Downs?

Mr. PATRIARCA. I claim my fifth amendment privilege.

When I say racetrack, I mean local tracks in Rhode Island. I haven't been to no racetracks in Massachusetts. Let us get that on the record, too, please, sir.

Mr. WINN. Go ahead, clarify that if you want.

Mr. PATRIARCA. Yes, sir; I have been to Rhode Island racetracks.

Mr. WINN. Rhode Island racetracks, not Massachusetts.

Mr. PATRIARCA. Not Massachusetts, and not Connecticut, or no Florida. That is the only racetracks I have been at.

Mr. WINN. If you are interested in racing, why have you not been to the Massachusetts racetracks?

(Witness conferring with counsel.)

Mr. BROWER. I will object to that question again as being beyond the scope of the power of this body to inquire into.

Chairman PEPPER. Objection overruled.

(Witness conferring with counsel.)

Mr. PATRIARCA. I claim my first and fifth amendment privilege.

Mr. WINN. Mr. Patriarca, I have to plead innocence here. I have never been to any of those racetracks, but are the Rhode Island and Delaware racetracks so much more interesting than Massachusetts?

(Witness conferring with counsel.)

Mr. WINN. Are they better horses?

Mr. PATRIARCA. I never said I was in Delaware. I said I was in Rhode Island.

Mr. WINN. I thought you said Delaware. I thought you said Rhode Island and something else.

Mr. PATRIARCA. No; two tracks in Rhode Island.

Mr. WINN. Are they much better than any tracks in Massachusetts? Are there better odds or friendlier jockeys?

Mr. PATRIARCA. I claim my first and fifth amendment privilege.

Mr. WINN. I have no more questions, Mr. Chairman.

Chairman PEPPER. Mr. Keating.

Mr. KEATING. Thank you, Mr. Chairman.

Mr. Patriarca, you indicated that you were 40 months into a prison term. What was that conviction for that you are in prison now?

(Witness conferring with counsel.)

Mr. PATRIARCA. To the best of my knowledge, it was for interstate gambling and to further interstate gambling.

Mr. KEATING. Are there any present indictments against you for which you are going to stand trial?

Mr. PATRIARCA. Yes. There is one with Mr. Barboza in Rhode Island.

Mr. KEATING. What is that indictment for?

Mr. PATRIARCA. The same thing like the Federal indictment. In other words, they have taken two cracks at the ball.



Mr. KEATING. Were you born in this country?

Mr. PATRIARCA. Yes, sir; I was born in Worcester, Mass., 1908, March 17.

Mr. KEATING. On St. Patrick's Day.

Mr. PATRIARCA. A good Irishman for an Italian.

Mr. KEATING. How many children do you have?

Mr. PATRIARCA. One son.

Mr. KEATING. The one you spoke about a few minutes ago?

Mr. PATRIARCA. Yes, sir.

Mr. KEATING. What is his occupation?

Mr. PATRIARCA. He has taken over the National Cigarettes while I am away.

Mr. KEATING. National Cigarettes.

Mr. PATRIARCA. Yes, sir.

Mr. KEATING. That was your occupation before you went to prison?

Mr. PATRIARCA. It was part of my business; yes, sir.

Mr. KEATING. What different kinds of work have you done during your lifetime?

Mr. PATRIARCA. What kinds of work have I done during my lifetime?

Mr. KEATING. Yes.

Mr. PATRIARCA. I started off—can I answer him? I started off as a bellboy and I got into a little trouble while I was young. I ran a little liquor now and then before prohibition was over. From then on I guess I come out of prison—I went in in 1938 and I come out in 1945, and since then I went to work in a restaurant, Luiggi's on the avenue, and then I went into the Berkshire Sporting Goods, National Cigarettes, I went into the real estate business. I had a dump where they used to demolish stuff when the buildings were coming down. Then they closed it up. The newspapers wrote up about it and they closed it up.

Mr. KEATING. The National Cigarette business, are you the sole owner?

Mr. PATRIARCA. No, sir; I am a partner.

Mr. KEATING. With your son?

Mr. PATRIARCA. No, with Mr. Carozza. His name is Phil Carozza. He died since I have been away. His son, I understand, is my partner.

Mr. KEATING. So there are just the two of you who own that business.

Mr. PATRIARCA. Yes, sir.

Mr. KEATING. Do you own any other businesses?

Mr. PATRIARCA. No, not right now, sir; no, sir.

Mr. KEATING. Are you an associate, or do you have a partnership, or own any part of any other business?

Mr. PATRIARCA. No, sir.

Mr. KEATING. Are your real estate holdings extensive?

Mr. PATRIARCA. No; they are small real estate, like a three-decker house, another apartment with a store, and about 7 or 8 acres of land that was dumping land. I bought it for business at the time but since then they put a new ruling that trucks cannot go through there, and so forth, and so on.

Mr. KEATING. What was your income the last year before you went to prison?

Mr. PATRIARCA. I won't be able to tell you, to guess right because I gave my son the power of attorney. It would be my own returns the

Mr. PATRIARCA. While I am away he is there. Part of his time he is there; yes, sir.

Mr. BRASCO. Do you know whether or not he ever had any interest in the Berkshire Downs?

Mr. PATRIARCA. He ever had?

Mr. BRASCO. Yes, your son.

Mr. PATRIARCA. Christ, he was probably 14 years old at that time, 10, or 12, or 14 years old. He was going to college.

Mr. BRASCO. Did you say he was 14 and going to college? Did I misunderstand you?

Mr. PATRIARCA. He was going between high school or going to college. He might have been up to the New York military academy. He was up there a while.

Mr. BRASCO. This cigarette vending machine company that is your business, does it operate only in Rhode Island, or does it go outside of the State of Rhode Island?

Mr. PATRIARCA. To my knowledge, unless it has changed since I have been away, it was just in the State of Rhode Island.

Mr. BRASCO. Are there other companies that do the servicing in Rhode Island for things other than cigarettes that you might buy out of a vending machine?

Mr. PATRIARCA. I guess there is quite a few other companies. But I have nothing to do with them.

Mr. BRASCO. I must have misunderstood you. You said you were only in the cigarette business?

Mr. PATRIARCA. Yes.

Mr. BRASCO. And that the other partners had to do with other types of vending machines?

Mr. PATRIARCA. They have to do with music boxes and pinball machines.

Mr. BRASCO. When you say other partners, do you mean partners of yours?

Mr. PATRIARCA. Phil Carozza has two sons, one is Sam and one Freddie. One had the Coinomatic with his father, or himself. I had nothing to do with it. With the National Cigarettes I was a partner with Phil, but nothing to do with Coinomatic.

Mr. BRASCO. Coinomatic is in jukeboxes?

Mr. PATRIARCA. Jukeboxes and pinball machines.

As far as the other vending machines, where there are people in that kind of business, coffee and sandwiches, you have it all over the country.

Mr. BRASCO. I was trying to get squared away what you had said.

Mr. PATRIARCA. My cigarette business is not the largest one in Rhode Island. It is probably the sixth or seventh. There are others much larger and bigger.

Mr. BRASCO. In Rhode Island?

Mr. PATRIARCA. Yes, sir. So nothing was ever done wrong there.

Mr. BRASCO. I don't know whether you were asked this before, but do you know a Mr. Sam Rizzo?

Mr. PATRIARCA. I claim my first and fifth amendment privilege.

Mr. BRASCO. Thank you, Mr. Chairman. I have no further questions.

Chairman PEPPER. Mr. Patriarca, I asked you a while ago if you had



ever attended a meeting of the board of directors of the Berkshire Downs racetrack in Massachusetts. I specifically want to ask you one other question about that. Did you at any time during 1961 attend a board of directors meeting of the Berkshire Downs racetrack in the place of business of a man named "Dario" in Pawtucket, R.I., who at that time was general manager of the Berkshire Downs racetrack?

(Witness conferring with counsel.)

Chairman PEPPER. I don't mean that you sit with the members of the board at the table, but were you in the room at that place while the board of directors was in session?

(Witness conferring with counsel.)

Chairman PEPPER. During 1961?

(Witness conferring with counsel.)

Mr. PATRIARCA. The only thing I can answer to my knowledge, in 1961, I was sick with a heart condition in the early part of the year—I think it was in March. I had Dr. White for my doctor, from Boston, and I know I was attending no meetings or going no place with a heart condition. I still have the heart condition.

If I didn't have my case coming up, I would like to come back with you gentlemen when this is over with and really lay the law down on what is going on in this country.

Chairman PEPPER. You are stating under oath for the record that you did not attend such a meeting in Pawtucket, R.I., in 1961 in the place of business of a Mr. Dario, who at that time was the general manager of the Berkshire Downs track?

(Witness conferring with counsel.)

Mr. PATRIARCA. I already answered the question, sir.

Chairman PEPPER. Pardon?

Mr. PATRIARCA. I already answered it.

Chairman PEPPER. I would like to ask you the question again. Is your answer that you did not attend that meeting?

(Witness conferring with counsel.)

Mr. PATRIARCA. To the best of my knowledge I was out with a heart condition and I was not attending no meeting. I had no right to attend a meeting. I will go further. I was never at no meeting with Mr. Dario or anybody else you gentlemen have in mind. It was a lot of hoodwink you people were giving me for a long time. I wish I was not on trial and having this case going up. I would like to talk to you about the United States of America and what is going on.

Chairman PEPPER. Do you know a Mr. Charles Carson?

Mr. PATRIARCA. I claim my fifth amendment privilege.

Chairman PEPPER. Mr. Charles Carson, here in this committee room yesterday afternoon, said at that time that he was the bookkeeper for the track and said you were present at that meeting.

Mr. BROWER. I object to this question.

Chairman PEPPER. I am sorry, I am asking the witness, sir. Whatever the witness wishes to say in response he may say.

(Witness conferring with counsel.)

Mr. PATRIARCA. I object on the sixth amendment.

Chairman PEPPER. Very good.

Mr. Patriarca, did you at any time ever have any part in the fixing of a horserace?

Mr. PATRIARCA. I don't know right now but I can go to the previous conviction that I got it pretty good. You get a good shot once and you get it twice, you are really getting shafted. You know a sucker falls for one thing once, he ain't going to fall for it twice.

Mr. WALDIE. No, I don't really understand that at all.

Mr. PATRIARCA. The only thing you have to do is to look up my two cases and find out for yourself. You have plenty of investigators; let them look it up and call the agents in and see what happened—why I am in Atlanta and why I am on bail and why I have 10 years to do if I don't make the appeal. They can give you the proper answer without worrying about getting into any trouble or getting into contempt. Take the records and look at what I am convicted of.

Mr. WALDIE. Your view of those records is that it would show the committee that your convictions were improper and you were, in fact, unduly harassed.

Mr. PATRIARCA. Not improper. I got framed. Not improper; framed. If you know what "framed" means. I got framed.

Mr. WALDIE. Is it your view that the "frame" that occurred was instigated by the Federal Bureau of Investigation?

Mr. BROWER. I am going to object to that at this time, Mr. Chairman, if I may be heard. We are getting into matters where this committee now, Mr. Waldie, is attempting to force a disclosure of portions of Mr. Patriarca's defense in the trial which will take place in September. These things are very relevant to his defense.

Mr. WALDIE. I will withdraw the question if that is the case. I have no further questions, Mr. Chairman.

Chairman PEPPER. Mr. Patriarca, just two or three questions. Are you aware of the fact, or do you understand that it is generally understood that there are a number of people in this country who are generally referred to as members of organized crime who make large sums of money by, for example, bookmaking, which is illegal, or by narcotic trafficking, which is illegal, or by some other form of illegal activity, such as gambling, in connection with which they intimidate American citizens, or assault or kill American citizens by way of enforcing their demands, which is generally referred to in the country as organized crime. Are you aware of there being any such thing as that in existence in this country?

(Witness conferring with counsel.)

Mr. PATRIARCA. I claim my fifth amendment privilege, sir.

Chairman PEPPER. Mr. Nolde.

Mr. NOLDE. Mr. Patriarca, did you ever know Mr. Russell Bufalino?

Mr. PATRIARCA. I claim my first and fifth amendment privilege.

Mr. NOLDE. Did you ever go to the Berkshire Downs Race Track with Mr. Bufalino and Mr. B. A. Dario?

Mr. PATRIARCA. I claim my first and fifth amendment privilege.

Mr. NOLDE. Did you ever attend any luncheon meetings with them and members of the board of directors of the racetrack?

(Witness conferring with counsel.)

Mr. PATRIARCA. I claim my first and fifth amendment privileges.

Mr. NOLDE. No further questions.

Chairman PEPPER. Mr. Winn.

Mr. WINN. Thank you, Mr. Chairman.



Mr. Patriarca, have you ever heard of the term "shylocking"?

Mr. PATRIARCA. I claim my fifth amendment privilege.

Mr. WINN. Do you think you have been treated fairly by this committee?

Mr. PATRIARCA. Yes, I do sir.

Mr. WINN. Thank you.

Chairman PEPPER. You are excused, Mr. Patriarca.

Call the next witness, Mr. Counsel.

Mr. PHILLIPS. The next witness is Mr. Samuel Rizzo.

**STATEMENT OF SALVATORE RIZZO, MIAMI LAKES, FLA., FORMER PRESIDENT, BERKSHIRE DOWNS, HANCOCK, MASS.; ACCOMPANIED BY ROBERT C. JOSEFSBERG, COUNSEL**

(Having been duly sworn by the chairman.)

Chairman PEPPER. Are you accompanied by counsel?

Mr. RIZZO. Yes, sir.

Chairman PEPPER. Will counsel give his name, address, and the bar to which he belongs?

Mr. JOSEFSBERG. Robert C. Josefsberg, of Pearson & Josefsberg, Miami, Fla.

I am a member of the bar of Florida and sworn in before the Supreme Court of the United States.

Chairman PEPPER. Mr. Counsel, we are pleased to have you here. Are you aware of the role that counsel plays in hearings before this committee? Have you examined our rules?

Mr. JOSEFSBERG. I have not specifically examined the rules of the committee. I am generally aware of the rights of counsel before congressional committees.

Chairman PEPPER. The role of counsel is to advise his client in any way he wishes at the request of his client. We will be pleased to have you do so at this hearing.

Mr. Phillips, you will examine.

Mr. PHILLIPS. Mr. Rizzo, will you please give us your full name and address?

Mr. RIZZO. Salvatore Rizzo, 7386 Big Cyprus Drive, Miami Lakes, Fla.

Mr. PHILLIPS. Can you tell us what your occupation presently is?

Mr. RIZZO. Developer, builder.

Mr. PHILLIPS. Can you tell us what you develop?

Mr. RIZZO. Residential homes.

Mr. PHILLIPS. Where?

Mr. RIZZO. Condominiums in south Florida.

Mr. PHILLIPS. In 1960 can you tell us whether you had any interest in racetracks or stables?

Mr. RIZZO. I decline to answer that statement as it may tend to incriminate me.

Mr. PHILLIPS. Mr. Rizzo, isn't it a fact that in early 1960 you were associated with a man by the name of Thomas Lucchese?

(Witness conferring with counsel.)

Mr. RIZZO. I decline to answer as it may tend to incriminate me.

Chairman PEPPER. Mr. Sinatra, we had no knowledge of the facts.

Mr. SINATRA. He is just telling me now you have an affidavit from the man who owns the Fontainebleau Hotel.

Chairman PEPPER. Mr. Ben Novak submitted that affidavit to me by his own initiative. I did not invite it. He submitted it because he wanted the record to have his refutation of the testimony that was given by Mr. Barboza. So you are perfectly at liberty to make any statement refuting Mr. Barboza's testimony that you would care to make.

Mr. SINATRA. I don't have to refute it, Mr. Chairman, because there is no truth to it. Also, you have a letter from the owner of the hotel refuting it automatically.

We have records to show, regarding the Sands Hotel situation, where I bought stock with my own money, sold it in 1963, paid taxes on it, and put the rest of it away.

So those two points are very valid. But someone, probably the counselor, should have refuted the statement made by that man when you did get the information regarding it.

Mr. PHILLIPS. How would you suggest we do it?

Mr. SINATRA. Just call in the press and tell them it was a grave mistake. It was a character assassination. Let's face it.

Mr. PHILLIPS. You may view it as that, but certainly, the witness did testify to that.

Mr. SINATRA. I beg pardon?

Mr. PHILLIPS. The witness did, in fact, testify to that. The witness testified on information he had received. You are saying the information that witness received was false and erroneous. I think the committee agrees with you, it may be false and erroneous.

Mr. SINATRA. I understand how it came about. I know that Mr. Steiger—Mr. Rudin appriaed me of the whole facts. He asked him a simple question and this bum went running off at the mouth, and I resent it. I won't have it. I am not a second-class citizen. Let's get that straightened out.

Mr. RANGEL. Counselor, I think we might make the record clear to the witness that the affidavit we are talking about has been made a part of the public record. And even though it may not have been done as overtly as you would like at the time it was received by the committee, it is a part of the record today.

Mr. SINATRA. All I am asking for is somebody to be fair about it and talk to someone in the press and say these are really the facts. How do you repair the damage that was printed in the newspapers?

Chairman PEPPER. Mr. Sinatra, it would seem to me this would be a desirable time for you to make any statement about the matter you desire to make. We are ready to hear you.

Mr. SINATRA (reading). "Witness links Sinatra with reputed Mafia figure."

That's charming, isn't it? That's charming. And it is all hearsay testimony to begin with; is that not true?

Mr. PHILLIPS. Yes, it is.

Mr. SINATRA. Let's proceed.

Mr. PHILLIPS. Mr. Sinatra, long before that witness testified here in relation to the matter of concern to you, this committee had already



deliberated on the issue of whether or not you should be a witness before this committee. Highly independent of Mr. Barboza's testimony, this committee has obtained evidence in relation to Berkshire Downs.

Berkshire Downs, as you know, is a racetrack in Massachusetts. The evidence we uncovered in relation to Berkshire Downs reflected a man by the name of Raymond Patriarca and a man by the name of Tommy Lucchese were principals and had interests in that particular track. These particular individuals are members of organized crime. They are racketeers.

We also found, prior to Mr. Barboza testifying, that you were vice president of record of that particular track. So, long before Mr. Barboza testified, this committee had scheduled you as a witness in this particular proceeding and had taken actions to contact you to invite you to appear and testify in relation to Berkshire Downs.

I think that you should recognize that you are not here in relation to Mr. Barboza's testimony. That was not the intent of the committee in calling you. It was in relation to Berkshire Downs.

Mr. SINATRA. I understand that clearly, but I wanted to make a point.

Mr. PHILLIPS. Mr. Sinatra, could you tell us how you did become involved with Berkshire Downs?

Mr. SINATRA. I had a—Mr. Rizzo approached me some years ago regarding an investment in a racetrack. So, as I had done before in other racetracks, as a business venture, I turned it over to Mr. Rudin and from there on in he took care of all the business angles of it. To the best of my recollection, we suddenly found I was being named an officer of the corporation without our even having been told about it.

Consequently, I questioned Mr. Rudin about it and he called and found out—he can tell you more about it than I can—and at that point we got out.

Mr. PHILLIPS. Could you tell use how you got in?

Mr. SINATRA. By just investing $55,000.

Mr. PHILLIPS. Tell us about the first contact you had with anyone in relation to Berkshire Downs?

Mr. SINATRA. The first and only contact I had was with a man named Sam Rizzo.

Mr. PHILLIPS. How did you know Mr. Rizzo?

Mr. SINATRA. I met him.

Mr. PHILLIPS. How?

Mr. SINATRA. I can't remember where or how, but I met him and we got to talking about it and I liked his idea about the investment.

Mr. PHILLIPS. What did he tell you about the investment that you liked?

Mr. SINATRA. I just liked the idea, for 5 percent of the racetrack I might do well with it.

Mr. PHILLIPS. Well, could you tell us whether you were introduced to Mr. Rizzo by Mr. Lucchese?

Mr. SINATRA. I was not.

Mr. PHILLIPS. Did you know Mr. Lucchese?

Mr. SINATRA. I met him.

Mr. PHILLIPS. Could you tell me how well, or how often, you met Mr. Lucchese?

Mr. SINATRA. I didn't say he was with me, either.

Mr. PHILLIPS. Mr. Rudin did.

Mr. RUDIN. Well, the term "with me" is a difficult term. May I explain that somewhat?

Every time Mr. Sinatra appears anywhere, or spends any time someplace, I would say there are at least 10, as I call it, "propositions" thrown at him. Then it becomes my duty to arrange my calendar to show up wherever he is, usually toward the end of the engagement. It is kind of a filtering out process. I will be usually—Mr. Sinatra keeps some notes that he hands me and says—Joe Smith, he wants us to go in the drug business; the other fellow—I am talking ethical drugs——

Mr. PHILLIPS. Perhaps Mr. Sinatra ought to testify on his own.

Mr. RUDIN. There are some land deals, a proposition to buy a hotel, customers, people who have been introduced to him.

I don't ask any genesis of where he met them. They are there. I sit down, and like an appointment schedule, I go—and they are done in dressing rooms. They are done on the side of the stage. They are done at a bar. They are done at a hotel room. You have to understand, I have represented Mr. Sinatra for over 17 years. He remembers the songs, perhaps, he has to sing, but I sometimes have difficulty remembering all of the propositions that have been thrown at me over these 17 years.

A racetrack seemed to be an interesting proposition. It seemed to me that at that time, since the leisure field growth, that a racetrack in an area away from a large city could be a potentially good investment. And it could be a dangerous investment. It would be, in effect, a "crap shoot." You put in $55,000. You can either make 10 times that amount of money or you can lose it all.

That is the nature of an investment portfolio. You take some "crap shoots" and you have some conservative investments. Once it is turned over to me, I will just tell Mr. Sinatra, "We are going ahead with that deal and putting in this much, or not putting it in." And I have enjoyed the excellent relationship, if I say not, it is not. It is something that has been built up, as I say, over 17 years.

We have functioned very well together. He looks for my final judgment on these matters. I never read scripts, don't look at music and tell him what to sing.

Mr. Rizzo was just a small episode in our very complicated business life over the past 17 years. It was particularly a small episode because that was the year we were beginning to work on a merger of a record company and establishing a foreign distribution for a record company, and that absorbed my time and thinking.

My file shows certain information. I have refreshed my recollection based on that file. Much of my recollection would be much hazier if I did not have a file. Therefore, there are probably things that happened as to which I have a vaguer recollection, such as I probably checked and found out that they did have a license in Massachusetts and I made certain assumptions on the fact that since horseracing was a regulated business, that I was much safer in proceeding than I might be perhaps in another business where I would want to check out who was involved.



I had to assume the people involved would be licensed. I found out Mr. Rizzo was licensed. I made some other preliminary checks as I usually do and came up with no adverse information about Mr. Rizzo

Mr. PHILLIPS. What was the deal that Mr. Rizzo offered you?

Mr. RUDIN. Basically, 5 percent of the equity and voting control for $55,000. I was not interested in voting control with the thought that I could control the company with a 5-percent interest. I was interested in it because economically I find if you don't have the same share of voting control, together with your equity, sometimes a deal is made for merger, you end up with less than what you would otherwise get if you also have that portion of the voting control to go with your equity.

Mr. PHILLIPS. Isn't it a fact Mr. Rizzo also discussed with you Mr. Martin's potential interest in this track?

Mr. RUDIN. Not to my knowledge. Not to Mr. Martin.

Mr. PHILLIPS. How did Mr. Martin become involved in this matter?

Mr. SINATRA. I guess you ought to ask Mr. Martin?

Mr. PHILLIPS. We did and he said you involved him.

Mr. SINATRA. Why isn't he here?

Mr. PHILLIPS. We asked him and he gave us full cooperation.

Mr. SINATRA. Why didn't you ask me the same way you asked him?

Mr. PHILLIPS. We couldn't find you, Mr. Sinatra.

Mr. SINATRA. That is a lie—you couldn't find me.

Mr. PHILLIPS. It was very difficult, believe me.

Mr. RUDIN. Not difficult to find me, Mr. Phillips.

Mr. PHILLIPS. Excuse me?

Mr. RUDIN. It would not be difficult to find me, but I don't want to engage in that.

Mr. PHILLIPS. But you say you don't know how Mr. Martin got engaged in this transaction?

Mr. RUDIN. At the time of this particular engagement——

Mr. SINATRA. He was probably drunk and got mixed up in it.

Mr. RUDIN. Mr. Martin was making an appearance at the 500 Club and Mr. Sinatra joined him for the last 3 or 4 days. Mr. Martin was there at the time.

If I am not bound by the restrictions of what would be court testimony, I subsequently found out that Frank had some kind of conversation with Dean Martin, said, "Dean, if you want part of this, you can have it. We will go into it." At least, that is what Dean's recollection of it was.

Mr. Martin never made any investment and my first knowledge of that matter came because at that time, which was in 1963, I was representing Dean Martin, and the Federal Bureau of Investigation called his office and asked for an opportunity to interview him. He asked me to be present during that interview. It was during that interview and just prior thereto when I asked Mr. Martin—as a matter of fact, it may have been during the interview, I may not have known the subject of the interview until the agents came, and they brought up the question of Hancock Raceway Association and the fact Mr. Martin had been named either as an officer or director.

At that time, we informed him—Mr. Martin informed him—and I checked Mr. Martin's account—he had made no investment [illegible]

Mr. SINATRA. No, sir. That is essentially one of the two reasons why we got out of the business deal.

Chairman PEPPER. Mr. Sinatra, did Mr. Rizzo tell you what other investors there were in the track at the time he invited you to participate?

Mr. SINATRA. No, sir.

Mr. RUDIN. Mr. Chairman, may I enlighten you a little on that or fill the record?

On November 6, 1962, I wrote to an attorney in Pittsfield, Mass., named John A. Barry, who, in my conversation with him, his secretary informed me was to be addressed as Judge Barry, and so I enjoyed that courtesy. In that letter, I complained he had not answered my prior letters for information.

I have a short paragraph: In this connection, I recently read some publicity that was released some time ago to the effect that Mr. Sinatra is a director in Hancock Raceway, Inc. This was "news" to me, and if Mr. Sinatra was elected a director, then I think it is important our files contain the list of all officers and directors and their date of election.

Chairman PEPPER. What is the date of that letter?

Mr. RUDIN. November 6, 1962.

Chairman PEPPER. When did Mr. Sinatra make his investment?

Mr. RUDIN. In August of 1962. The latter part of August or September.

Chairman PEPPER. Mr. Rudin, at the time you advised Mr. Sinatra that you had found out that the Rizzo group had a license to operate this track action, as I believe you testified, before you advised Mr. Sinatra that he might with propriety invest in the track, did you ascertain who the officers and the directors and who the stockholders of the track were?

Mr. RUDIN. I was informed that 100 percent of the voting stock was owned by Mr. Rizzo.

Chairman PEPPER. Mr. Rizzo told you that?

Mr. RUDIN. That is right. He was seeking other investors. Mr. Rizzo did that and I believe one of the letters, again which was turned over to the committe, from Judge Barry——

Chairman PEPPER. Did Mr. Rizzo tell you Mr. Patriarca had any ownership in that track?

Mr. RUDIN. Mr. Rizzo did not tell me about anybody else having an ownership, but indicated that he was going to seek other investors. Had he mentioned the name Patriarca, it would have meant nothing to me.

Chairman PEPPER. You didn't know Mr. Patriarca was known as the outstanding organized crime figure in New England?

Mr. RUDIN. I must say, in 1962 I probably would not have known that fact.

Chairman PEPPER. And that Mr. Patriarca is in prison now?

Mr. RUDIN. I certainly would not have known that, Mr. Chairman, with all due respect, in 1962.

Chairman PEPPER. There may have been casual connection between where he was then and where he is now.

Mr. PHILLIPS. Mr. Rudin, did you know Tommy Lucchese?

Mr. RUDIN. I had met Mr. Lucchese.



Mr. PHILLIPS. On how many occasions?

Mr. RUDIN. Maybe once or twice.

Mr. PHILLIPS. Where?

Mr. RUDIN. I met him, I believe, once in Atlantic City. He came in to see Mr. Sinatra and Mr. Martin perform, and I believe I was introduced to him in a restaurant in New York once.

Mr. PHILLIPS. Do you know whether he had any business dealings with Mr. Sinatra or Mr. Martin?

Mr. RUDIN. I know of no business dealings with Mr. Sinatra——

Mr. SINATRA. I can answer that question. I never had any business dealings in any sense or form with Mr. Lucchese. He was a man I met two or three times at the most, shook hands, and that was the end of it. So, let's dispense with that kind of questioning.

Mr. PHILLIPS. Mr. Sinatra, Mr. Lucchese had a substantial interest in Berkshire Downs.

Mr. SINATRA. That's his problem, not mine. I wasn't aware of it.

Mr. PHILLIPS. You were not aware of it. Is there a possibility, Mr. Sinatra, that Mr. Lucchese was the man who introduced you to Mr. Rizzo?

Mr. SINATRA. I wouldn't think so.

Mr. PHILLIPS. Why not?

Mr. SINATRA. Because I wouldn't think so.

Mr. PHILLIPS. You know Mr. Lucchese and you know Mr. Rizzo?

Mr. SINATRA. I don't know Mr. Lucchese. I didn't know him. I met him. There is a little distinction about meeting somebody and knowing somebody. I met the chairman about 35 times in 25 years but I really don't know him.

Mr. PHILLIPS. So these meetings you had with Mr. Lucchese were just "Hello," and "How are you," and "Good-bye"?

Mr. SINATRA. They were not meetings. Let's get that straightened out. If I worked in a club and he came in and walked over and said, "Hello," I said "Hello." That applies to you or anybody else who comes up when I am working somewhere. It is just courtesy.

Mr. PHILLIPS. Would you remember me if I said, "Hello" to you?

Mr. SINATRA. If I wanted to; yes.

Chairman PEPPER. Let's have order, please.

Mr. PHILLIPS. Mr. Sinatra, you can account for your recollection of Mr. Lucchese just having met him on three occasions in what way?

Mr. SINATRA. Obviously, I had to be working some place. Otherwise, I am in California. Almost always in California.

Mr. PHILLIPS. I couldn't hear you.

Chairman PEPPER. Excuse me just a minute.

I want to say to the audience, you are guests of the committee here this morning. I have been indulgent in tolerating your manifestations. But I will have to tell you that if that recurs, I will have to ask the officers to remove you from the hearing room. This is a hearing of the Congress of the United States about a matter of public interest and we will expect you, as guests of the committee, to conduct yourselves with decorum. I am sure you won't require me to mention it any more.

Mr. PHILLIPS. I missed your last answer. Would you please repeat it?

Mr. SINATRA. You asked me, would I recognize you?

Mr. RUDIN. And I, in turn, relied, sir, on the fact this was a regulated, licensed business.

Chairman PEPPER. Mr. Waldie.

Mr. WALDIE. So, I can get the chronology of this incident in mind: Do I understand in August of 1962 the investment in this track was made of $55,000? Can you tell me how long, prior to that date, the solicitation for this investment was made? Was it fairly contemporary with the investment date itself of August 1962?

Mr. SINATRA. I can't tell you a date, but there must be a record of it.

Mr. RUDIN. I don't have the exact date, Mr. Waldie.

Mr. SINATRA. We can get that.

Mr. RUDIN. I would time it in relation to the appearance at the 500 Club, which I remember to be in the early part of August of 1962.

Mr. WALDIE. So, there was no long lapse of time between August 1962 date and the time of solicitation?

Mr. RUDIN. Probably about 2 weeks or so.

Mr. WALDIE. Then, in November of 1962, it is my understanding, the board of directors, unbeknownst to Mr. Sinatra or to you, elected him as an officer and director of the board?

Mr. RUDIN. Not quite accurate, Mr. Waldie. I had read something in the paper. My letter doesn't tell me where I read it——

Mr. SINATRA. I actually read it, as I said earlier, I actually read it on the sports page, the first time I became aware of it.

Mr. WALDIE. Can either of you tell me at what date that election by the board was held?

Mr. RUDIN. Mr. Waldie, I was never furnished with any documentary evidence and the committee has it, as to the date they purported to elect him as officer-director.

Mr. WALDIE. I presume it was before November of 1962?

Mr. RUDIN. Mr. Waldie, I say, if I were testifying, I would have to say, to my knowledge, I don't know whether he was or was not elected an officer-director. They never furnished me with any evidence of that, notwithstanding my request to find out just what they were doing.

As a matter of fact, they never furnished me with the voting trust which they said they would do.

Mr. WALDIE. The reason I raise the question is the notes that I took during the testimony of either you or Mr. Sinatra just simply say "November 1962, officers and board of directors." But I have no recollection now as to what reference that had. Was that a letter or was that roughly your recollection when you came across this information in the sports page?

Mr. RUDIN. My recollection, I presured by my own letter.

Mr. WALDIE. That letter is March 4, 1963?

Mr. RUDIN. That letter is dated November 6 of 1962, in which I said, "I recently read some publicity that Mr. Sinatra was a director." Nothing about his being an officer at that time.

Mr. WALDIE. Right. Then the next date you had reference to was your March 4 letter of 1963, when you requested further information and submitted his resignation. Do I understand, between November 1962 and March of 1963, you had been seeking, without success, information as to that matter?

Mr. RUDIN. I probably, as I tried to explain earlier, at that point, was spending quite a bit of time in Europe in connection with the rec-



ord company. And whatever reason, I had a followup, and they ne replied to me. I have no recollection of his having replied to me.

Mr. WALDIE. The final date: What was the date that the stock v disposed of by Mr. Sinatra?

Mr. RUDIN. Well, I don't know whether it was disposed of or c celed. They never sent us the stock certificates. And I was a little c cerned. But on March 4, 1963, I wrote to Judge Barry and told h that I had had a conversation with Mr. Rizzo, in which I told hir desired to dispose of the stock. The principal reason given is that, ha ing named Mr. Sinatra as an officer-director, it somehow showed up the records of the Nevada Gaming Commission, who had a regulati that you could not have an interest in gambling outside——

Mr. WALDIE. Before you get to the reason for the disposal, can y tell me the date of the disposal?

Mr. RUDIN. March 4, 1963.

Mr. WALDIE. That was the same date you wrote, submitting the resi nation of Mr. Sinatra?

Mr. RUDIN. All contained in the same letter, Mr. Waldie.

Mr. WALDIE. When did you receive your quid pro quo for the stock and how much was it? The initial investment was $55,000. What I ar trying to find out, was money made off of the transaction?

Mr. RUDIN. No, Mr. Waldie. I finally was able to push the transac tion through in about a month. Judge Barry did not respond to a num ber of my letters. I took it upon myself to send him three different type of stock powers, any agreement he elected to use to cancel the trans action. And I finally, it indicates on April 3, one of my associates wrot to him—I must have been out of the country—in which Judge Barry called and said they could not send the $55,000 at this time, but would we take Mr. Rizzo's note.

Since we had a great desire to be "delisted," we said we would take the note. We did take the note and payment was made on that note on July 15, 1963.

Mr. WALDIE. Was that note in the amount of $55,000?

Mr. RUDIN. That is right. It was a note for $55,000. And on July 10, a check for $55,000 was sent to Mr. Sinatra, was received in my office on or about July 15——

Mr. WALDIE. In short, no money was made. In fact, money was lost. Certainly, the interest on the $55,000 was lost.

Mr. RUDIN. That is correct, Mr. Waldie.

Mr. WALDIE. Plus, I hesitate to mention the attorney's fees involved in the transaction—what the attorney's fees involved in the transaction may have been.

Mr. RUDIN. We were glad to waive interest and get the $55,000 back.

Mr. WALDIE. Mr. Sinatra, during the period of August 1962 through July 1963, which encompasses the entire dates of this transaction, did you at any time participate with the officers or directors of the track in any decisions involving the track?

Mr. Sinatra. Not at all. Never.

Mr. WALDIE. Did you have any meetings with any of the principals, to your knowledge?

Mr. SINATRA. No, sir. As a matter of fact, after the negotiations were concluded, as far as the investment was concerned, I never even saw Mr. Rizzo any more.

Mr. STEIGER. I think you could be helpful, both of you gentlemen. Obviously, over the years Mr. Sinatra has had an interest in racing and this is the first time, Mr. Sinatra, over the last 3 years, you have been involved in the ownership of horses per se.

Mr. SINATRA. Correct.

Mr. STEIGER. But you have been obviously interested in it. In your experience, either as a stockholder or owner of horses, have you had occasion to be aware of any organized crime involvement in racing?

Mr. SINATRA. No, sir.

Mr. STEIGER. Mr. Sinatra, do you have any feeling about the existence of organized crime per se? Are you convinced it does exist, that there is a group of families that have been frequently described, that are variously called the Mafia and Cosa Nostra, and so forth?

Mr. SINATRA. From the standpoint of reading about those situations, I suppose you might say it exists, but I really couldn't put my finger on it and say it does exist, because I don't know about it.

Mr. STEIGER. Do you——

Mr. SINATRA. I know there is great crime. I am aware of that. There is tremendous crime.

Mr. STEIGER. Do you know that Mr. Patriarca has been identified as a member of this organization?

Mr. SINATRA. I probably read about it. Sure.

Mr. STEIGER. Are you acquainted with a gentleman named Hymie Abrams?

Mr. SINATRA. I don't think so.

Mr. STEIGER. Just to refresh your memory, Mr. Sinatra, Mr. Abrams owned nine points in the Sands at the same time that you did. I don't suppose the stockholders of the Sands get together. Is it normal not to know who your partners are in hotels in Nevada?

Mr. SINATRA. I don't know what the norm is.

Mr. STEIGER. Well, my point is, as I understand it, nine points in a hotel, which I believe was also the extent of your holdings in the Sands, is a significant holding in that hotel; is that not so?

Mr. RUDIN. Let me answer.

Mr. Steiger, may I point out one thing. It confused me for years. When they say "nine points" in Las Vegas, they don't means 9 percent. And evidently the point concept can spread or narrow as people in control want to do it. It is a great disappointment to find out, you think you are talking about 9 percent, and nine points may end up to be 3 percent.

Mr. STEIGER. I would like Mr. Sinatra to respond to the general thrust. What I am trying to find out is, Mr. Sinatra, in a situation like a hotel in Nevada, which is a unique situation as an investment, is it normally not important for a man in your position to know who the other people are in the hotel? I guess that is the basis of my question. Do you consider it important?

Mr. SINATRA. No; I never did consider it important. I really didn't, because, again, I made what I thought was a very good investment and it turned out that it was a pretty good investment. And the extent of other people in it—well, it might just as well be in any other situation where we invest, take a position in any corporation on the market today and the country today. I certainly don't know everybody who is involved when we buy stock in any situation.



Mr. STEIGER. No; I could understand that very easily. In fact, y
were a stockholder, I believe, in Recrion, which was the company t
absorbed Harvey Dorman. I believe last week you disposed of 7
shares of that stock.

Mr. SINATRA. What is the name of the company?

Mr. STEIGER. Recrion. R-e-c-r-i-o-n. Are you familiar with that?

Mr. SINATRA. I am not. Maybe he is.

Mr. RUDIN. I don't know where that information comes from. Fro
my recollection, Mr. Sinatra has never owned any stock in Harv
Dorman, which later changed its name to Recrion. I could be wron
Maybe when it was Harvey Dorman, he may have owned some stoc

Mr. STEIGER. If this information is correct at all, this disposal to
place last week. So if you are not aware of that——

Mr. RUDIN. It is completely incorrect.

Mr. STEIGER. There would be nobody else who would have be
aware of disposing of the stock?

Mr. SINATRA. No.

Mr. STEIGER. For my own personal interest, where is the hors
"Delaware Chief" now?

Mr. RUDIN. At Hollywood Race Track.

Mr. STEIGER. He is still campaigning?

Mr. RUDIN. He is still campaigning and he will probably race in th
smaller fairs in the State races.

Mr. STEIGER. You indicated the racing stable has not been more of
successful venture and I am sure you are aware there are very few tha
are. In your opinion, as the economic adviser here, Mr. Rudin, why i
the ownership of a racing stable normally not a successful operation

Mr. RUDIN. Why is it not?

Mr. STEIGER. Yes, sir.

Mr. RUDIN. I think it is like Broadway plays. People overpay for
what comes on the market. Purses aren't large enough and it is just a
tough game. There is, I think, some money to be made in breeding
now, particularly in California, where they have adjusted the tax
structure. I would say the bulk of the investment now is in breeding.

Mr. STEIGER. The horse you are standing, Mr. Rudin, is in New
Jersey, did you say? The stud that you are standing? Where is he
standing?

Mr. RUDIN. Kerr Farm is Lorina, Calif. It is near Riverside.

Mr. STEIGER. What is the stud fee on that horse?

Mr. RUDIN. $1,500.

Mr. STEIGER. Mr. Sinatra, I think it is important for the committee,
and I assume it would be important for you: Is it your testimony that
other than Mr. Rizzo, you had no knowledge of anybody else who
might have been involved in Berkshire Downs?

Mr. SINATRA. That is correct.

Mr. STEIGER. That you don't know Mr. Abrams, and that you were
concerned when your name was used to add prestige to the track at
Berkshire Downs, or at least Mr. Rudin became concerned?

Mr. SINATRA. I was also concerned.

Mr. STEIGER. The other point I think should be said for the purpose
of the record: Mr. Rudin started to explain to Mr. Waldie, and didn't,
that under Nevada law, if you are to be an investor in a gambling

Mr. SINATRA. I agree with you about that.

Mr. MURPHY. Let me finish. Let me say to you that we, as Congressmen and as politicians, are sometimes presented in the press not the way we would like to be presented. I think, you must keep in mind, however, that this committee has done very good work, Mr. Sinatra. If your name were "Joe Doakes," we probably wouldn't have issued a subpena. There probably wouldn't have been any need for you to appear because nobody would have cared.

The fact that you are a famous entertainer obviously accounts for the full house.

But let me say this, the fact that this committee is taken advantage of should not in any way deter it in its purpose to ferret out any influence of organized crime in professional sports, or our fine work we have done in the field of narcotics.

I would like to say, as one member of this committee, I resent when we are being taken advantage of. I think perhaps we were taken advantage of by Mr. Barboza in his statement concerning you. I don't know you. I have never met you. I just know you by what I read in the paper and your reputation as an entertainer. But I would like to explain to the people in the audience today, and I know my colleagues on the committee share the feeling, we are taken advantage of in certain situations and I, as one member of the committee, resent it and appreciate your appearing here today.

Thank you.

Mr. SINATRA. Thank you, Mr. Murphy.

Chairman PEPPER. Mr. Winn.

Mr. WINN. Thank you, Mr. Chairman.

I have two questions; one of Mr. Rudin.

When you were making the financial arrangements with Mr. Rizzo after your discussion and Mr. Sinatra's discussion with Mr. Rizzo, did you check out the background of Mr. Rizzo?

Mr. RUDIN. I made, Mr. Winn, some preliminary checks, not with great depth, as I explained, as (1) I was dealing with a licensed regulated business and whatever check I made—and I don't have a file memo of it—I turned up nothing to give me any suspicion of the fact there would be any question about Mr. Rizzo.

Mr. WINN. The fact this was a licensed operation in the State of Massachusetts, then, might have been more of interest to you than the fact that Mr. Rizzo, or whoever else might have been involved as other stockholders?

Mr. RUDIN. Well, Mr. Winn, I don't mean to be impolite, but I must say my training is such, I don't have adverse reactions when I hear Italian names. Now, I have no reason to check with any greater depth than I might in any other situation.

Mr. WINN. As an economist, or as a business agent, or whatever your exact title is for Mr. Sinatra, do you invest $55,000 without a thorough check of people like Mr. Rizzo, whatever his reputation might be, or as Sammy Davis, Jr., said, "hangers on," that come around entertainers?

Mr. RUDIN. $55,000, I might not make a thorough check, Mr. Winn. I might make a check to be satisfied that the man was legitimate, that he had money. Whatever reports I got, Dun & Bradstreet at the time



showed him to be a man of responsibility. And as far as I know, he still is.

Mr. WINN. You don't run a credit report on these men?

Mr. RUDIN. I think I did and I think Mr. Rizzo has been engaged in business down in Florida.

Mr. WINN. I am not criticizing. I am just trying to figure out how much in depth you want to figure out your recommendation on this investment.

Mr. RUDIN. Not all of my investments for Mr. Sinatra have been successful, but our joint track record over 17 years is pretty good and sometimes you have to move with speed. You take your chances. I had no reason to suspect any of the things we are discussing, or the committee is discussing, today.

Mr. WINN. Then, you nor Mr. Sinatra had any reason to question that Mr. Rizzo was a sound businessman; is that what I am led to believe?

When, you write the letters asking that Mr. Sinatra's name be withdrawn, or that Mr. Sinatra be shown to resign as an officer and a stockholder in Berkshire Downs, did they acknowledge that to you? Do you have in your file a letter of acknowledgement?

Mr. RUDIN. Not until I wrote about three letters, Mr. Winn.

Mr. WINN. This is the case you were referring to when you asked about three times for some——

Mr. RUDIN. And telephone calls, to the best of my recollection.

Mr. WINN. Do you know why that might be?

Mr. RUDIN. I gathered, Mr. Winn, that they were rather busy with some lawsuits at the time, none of which were reported in the press.

Mr. WINN. Some of us on the committee may not be aware of those lawsuits. Who did you write, this Judge Barry?

Mr. RUDIN. Judge Barry.

Mr. WINN. And he was you sole contact?

Mr. RUDIN. No. I called Mr. Rizzo, as my letter shows, and told him we wanted out.

Mr. WINN. What period of time elapsed from your first request?

Mr. RUDIN. About a month.

Mr. WINN. It took them about a month to acknowledge your letter?

Mr. RUDIN. No. There were some acknowledgements—but about a month until I completed it.

Mr. WINN. What I am trying to figure out, in any corporation—and there are stockholders, I guess, at Berkshire Downs—and I gather that is what Mr. Sinatra was—when were the official records changed showing his resignation?

Mr. RUDIN. I have no knowledge that the official record ever showed him as an officer-director. I just know what I read in the newspapers and know what I sent in.

Mr. WINN. Have you made any requests to be sure that it is shown that Mr. Sinatra——

Mr. RUDIN. Yes, I asked him to have the Massachusetts Racing Commission confirm it directly to the Nevada State Gaming Control Board.

Mr. WINN. But you didn't get a copy of it?

Mr. RUDIN. I got a copy of the notification. I am not sure.

Mr. WINN. Do you have the dates on that?

sensitivity about that matter, having represented Mr. Sinatra for 17 years.

Mr. KEATING. The fact that his name ends in a vowel, or because it is an Italian name, I don't think is really material here. It may be in some instances. It certainly isn't along my line of inquiry. My line of inquiry is based upon the fact that we have acknowledged an outstanding member of his profession and in any area, whether it is professional sports or politicians, there is just that natural reaction to take advantage of people of some wealth or some reputation.

I think that we all try to be extremely careful, and it concerns me in this instance, in this kind of a transaction that there wasn't more care shown in checking the association.

Mr. RUDIN. Perhaps you are right, Mr. Keating.

Mr. KEATING. Mr. Chairman, I yield back.

Chairman PEPPER. Just two or three questions, if I may. I will ask these to both Mr. Sinatra and Mr. Rudin.

If I understood correctly, Mr. Sinatra's acquisition of stock in this track was in August of 1962.

Mr. SINATRA. 1962.

Mr. RUDIN. 1962.

Chairman PEPPER. August. Then, was it September or October, Mr. Rudin, when you wrote a letter of inquiry to know who the officers and stockholders were?

Mr. RUDIN. September, sir.

Chairman PEPPER. Did you get a response to that inquiry?

Mr. RUDIN. My file does not show any response. I take it back. It was September. I wrote them a couple of letters asking information, and my recollection is I was away from the country or something. When I came back, I heard about this news and it was in November that I wrote to them. I read for the first time that Mr. ——

Chairman PEPPER. It was November you wanted to know who the officers and stockholders were. Did you get a reply to that inquiry?

Mr. RUDIN. No, sir.

Chairman PEPPER. You did not. When was it you got out, when Mr. Sinatra withdrew his interest from that track?

Mr. RUDIN. March 4, I made a formal demand to be out, and I probably made——

Chairman PEPPER. March 4, 1963?

Mr. RUDIN. 1963. And my recollection—but again my recollection could be hazy—I probably had a number of telephone conversations about the matter during the months of January and February. Finally, when I got no satisfaction, I made a formal demand.

Chairman PEPPER. Why did you make that demand that Mr. Sinatra be permitted to withdraw from this investment?

Mr. RUDIN. One, because, having listed him as an officer and contrary to the Nevada State Gaming Regulations, I didn't think the regulation was effective or constitutional, but at that point there was no sense arguing about it. And at that point, I must say we would just as soon get out of the thing.

Chairman PEPPER. As of that time, March of 1963, neither you nor Mr. Sinatra had any information about Mr. Patriarca owning any stock in the company?

Mr. SINATRA. Not I, sir. No.



Chairman PEPPER. Just for your information, I will have a witness this afternoon, Mr. Sinatra, who will testify about Mr. Patriarca attending board meetings and having lunch with the board of directors and the like. But you say you never attended a board meeting, never met with any of the members or stockholders?

Mr. SINATRA. That is absolutely correct.

Chairman PEPPER. Are there other questions by the committee?

(No response.)

Chairman PEPPER. If not, Mr. Sinatra and Mr. Rudin, we thank you very much.

We will recess until 2 o'clock.

(Whereupon, at 12:40 p.m., the committee recessed, to reconvene at 2 p.m., this same day.)

AFTERNOON SESSION

Chairman PEPPER. The committee will come to order, please.

Mr. Counsel, will you call the next witness?

Mr. PHILLIPS. The next witness is Mr. Carson, Mr. Chairman.

Chairman PEPPER. Mr. Carson will you be sworn, please?

Do you solemnly swear that the testimony you are about to give to the House Select Committee on Crime will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CARSON. I do.

## STATEMENT OF CHARLES CARSON, FORMER COMPTROLLER, BERKSHIRE DOWNS RACETRACK, HANCOCK, MASS.

(Having been duly sworn by the chairman)

Chairman PEPPER. You may inquire, Counsel.

Mr. PHILLIPS. Can you tell us, Mr. Carson, when you first became involved in Berkshire Downs?

Mr. CARSON. July 1, 1960.

Mr. PHILLIPS. What office did you hold in relation to Berkshire Downs?

Mr. CARSON. Dr. Furcolo, who was a client—I had handled his taxes for years—asked me to represent him at a racetrack that they had contemplated building. That was on July 1.

Mr. PHILLIPS. Who was Dr. Furcolo?

Mr. CARSON. The father of the Governor at that time.

Mr. PHILLIPS. Dr. Furcolo was the father of the then Governor of Massachusetts; is that correct?

Mr. CARSON. That is correct?

Mr. PHILLIPS. He told you that he intended to build the racetrack?

Mr. CARSON. That they had bought the land, and they got the dates, and they were going to build a track.

Mr. PHILLIPS. He could not have his name associated with the track; is that correct?

Mr. CARSON. Well, he said he couldn't be connected with it publicly on account of his son being the Governor. He wanted me to represent it. And the stock would be in my name, and I would do what he normally would do in issuing instructions and so forth in the building of the track.

Mr. PHILLIPS. So [illegible]

# ORGANIZED CRIME IN SPORTS

## (RACING)

THURSDAY, JUNE 1, 1972

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON CRIME,
*Washington, D.C.*

The committee met, pursuant to notice, at 10:15 a.m., in room 345, Cannon House Office Building, the Honorable Claude Pepper (chairman) presiding.

Present: Representatives Pepper, Waldie, Murphy, Steiger, Winn, Sandman, and Keating.

Also present: Joseph A. Phillips, chief counsel; Michael W. Blommer, associate chief counsel; Chris Nolde, associate counsel; Andrew Radding, assistant counsel; and Leroy Bedell, hearings officer.

Chairman PEPPER. The committee will come to order, please.

Mr. Counsel, will you call the first witness?

Mr. PHILLIPS. Mr. Chairman, the first witness today is Carlos Marcello.

Chairman PEPPER. Mr. Marcello, will you come forward and be sworn, please?

### STATEMENT OF CARLOS MARCELLO, NEW ORLEANS, LA., ORGANIZED CRIME FIGURE; ACCOMPANIED BY JACK WASSERMAN, COUNSEL

(Having been duly sworn by the chairman)

Chairman PEPPER. Are you accompanied by counsel, Mr. Marcello?

Mr. MARCELLO. Yes.

Chairman PEPPER. Will counsel please give him name, the bars to which he belongs, and his address?

Mr. WASSERMAN. My name is Jack Wasserman, Warner Building, Washington, D.C. I am a member of the bars of the State of New York and the District of Columbia.

Chairman PEPPER. Mr. Counsel, we are pleased to have you here as adviser to Mr. Marcello.

Have you examined the rules of the committee respecting the role of counsel to a witness?

Mr. WASSERMAN. I have, sir.

Chairman PEPPER. Very well. You are at liberty to advise or counsel fully with respect to any request he makes to you for legal advice.

Mr. WASSERMAN. Thank you.

Chairman PEPPER. You may proceed, Mr. Phillips.

Mr. PHILLIPS. Mr. Marcello, the awareness of organized crime in this country received a substantial impetus in 1957 and 1958 as a result of a



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Mr. PHILLIPS. You have forgotten it. Did you ever obtain the $750,000 loan?
Mr. MARCELLO. No, sir.
Mr. PHILLIPS. Have you ever met Santo Trafficante?
Mr. MARCELLO. Yes, sir.
Mr. PHILLIPS. Where did you meet him?
Mr. MARCELLO. I had known him for 30-some years.
Mr. PHILLIPS. What business is he in?
Mr. MARCELLO. I wouldn't know at the time.
Mr. PHILLIPS. You say you have known him for how many years?
Mr. MARCELLO. About 25 to 30 years, something like that.
Mr. PHILLIPS. How many times have you seen him in the 25 or 30 years?
Mr. MARCELLO. A number of times.
Mr. PHILLIPS. Quite a few times?
Mr. MARCELLO. Yes.
Mr. PHILLIPS. Isn't it a fact you had some business dealings together?
Mr. MARCELLO. No, sir; no business dealings.
Mr. PHILLIPS. You had no business dealings at all?
Mr. MARCELLO. No, sir.
Mr. PHILLIPS. During this 25-year period, you never learned what typed of business he was in?
Mr. MARCELLO. No, sir.
Mr. PHILLIPS. Do you know Angelo Bruno?
Mr. MARCELLO. I can't recall his name.
Mr. PHILLIPS. You can't recall meeting Angelo Bruno?
Mr. MARCELLO. No, sir.
Mr. PHILLIPS. How about Mike Morando?
Mr. MARCELLO. Yes, sir. I met him with Mr. Gambino and the rest of them.
Mr. PHILLIPS. You met him at the same time. Had you known Morando before?
Mr. MARCELLO. I met them all there. That is the first time I met them all.
Mr. PHILLIPS. What were they doing there?
Mr. MARCELLO. They was at the luncheon.
Mr. PHILLIPS. What type of luncheon was it?
Mr. MARCELLO. I don't know what type of luncheon, I mean I just was invited to a luncheon.
Mr. PHILLIPS. Doesn't it strike you as being unusual that all of these racketeers would be having a luncheon?
Mr. MARCELLO. No, sir; it is not unusual.
Mr. PHILLIPS. Have you ever attended any other luncheon with so many racketeers?
Mr. MARCELLO. I wouldn't know what you call a racketeer. I have had lunches in New Orleans many times, in many places in Louisiana, and it wasn't no racketeers or whatever you want to call them. I don't know what you mean by "racketeer."
Mr. PHILLIPS. Mr. Marcello, would you tell us what your criminal record is?
Mr. MARCELLO. My criminal record? Well, I was convicted of marihuana. And assault, and accessory of a robbery.



Mr. PHILLIPS. Did you say you were convicted of possession of drugs?
Mr. MARCELLO. Marihuana; yes, sir.
Mr. PHILLIPS. That was a large quantity of marihuana you were convicted of possessing?
Mr. MARCELLO. I didn't understand the question.
Mr. PHILLIPS. I say, you were convicted of possessing a large quantity of marihuana.
Mr. MARCELLO. I was convicted of marihuana, yes. Possession and sale.
Mr. PHILLIPS. Did you serve any time in jail as a result of that conviction?
Mr. MARCELLO. I served a year and a day on that.
Mr. PHILLIPS. Did you serve any time in relation to your robbery conviction?
Mr. MARCELLO. Yes, sir. I served time and I got a pardon on that.
Mr. PHILLIPS. You got a pardon. How did you obtain the pardon?
Mr. MARCELLO. Just like everybody else gets a pardon. Make an application and you go before the board. And they granted me a pardon, because I think I was innocent of it.
Mr. PHILLIPS. You also assaulted an FBI agent; is that correct?
Mr. MARCELLO. Yes, sir.
Mr. PHILLIPS. And you were convicted for that?
Mr. MARCELLO. Yes, sir.
Mr. PHILLIPS. And you served time in relation to that?
Mr. MARCELLO. Yes, sir.
Mr. PHILLIPS. And you are asking me what a racketeer is?
Mr. MARCELLO. Yes, sir.
Mr. PHILLIPS. You don't know what a racketeer is?
Mr. MARCELLO. No, sir. Not definitely, I don't.
Mr. PHILLIPS. Do you know Joseph Colombo?
Mr. MARCELLO. I met him at the luncheon, too.
Mr. PHILLIPS. Did you ever meet him before that?
Mr. MARCELLO. No, sir.
Mr. PHILLIPS. The only time you met Joseph Colombo was at that luncheon?
Mr. MARCELLO. Yes, sir.
You said, when my first time meeting Mr. Colombo?
Mr. PHILLIPS. Yes.
Mr. MARCELLO. When we was arrested.
Mr. PHILLIPS. You had never met him prior to that time?
Mr. MARCELLO. No, sir; and then after that, I met him three or four times going before the grand jury in Queens County.
Mr. PHILLIPS. Did you meet him any other time, other than those times when you went before the grand jury?
Mr. MARCELLO. No, sir.
Mr. PHILLIPS. You went before the grand jury, did you not?
Mr. MARCELLO. Yes, sir; in Queens County.
Mr. PHILLIPS. Were you questioned about the meeting and the purpose of the meeting?
Mr. MARCELLO. I was questioned about a lot of things.
Mr. PHILLIPS. Did you tell the grand jury, in fact, you were there accidentally with your brother?

Mr. MARCELLO. No, sir.

Mr. PHILLIPS. After you were arrested, you asked these men what they were doing at that meeting?

Mr. MARCELLO. Sir?

Mr. PHILLIPS. I say, after you were arrested with these men they took you to the stationhouse, didn't they?

Mr. MARCELLO. Yes.

Mr. PHILLIPS. Did you ask these fellows what they were doing at this meeting?

Mr. MARCELLO. No, I didn't ask them. I was just invited to the luncheon.

Mr. PHILLIPS. You don't think it was to conduct any business?

Mr. MARCELLO. No, there was no business. There was no meeting, nothing outside having lunch.

Chairman PEPPER. Excuse me. Mr. Marcello, is it your testimony that you did not know about the meeting of the people who were there, but that you went to this luncheon solely on the invitation of your brother, without any knowledge that there was going to be a number of other people at the luncheon?

Mr. MARCELLO. Positively. I was checked out of a motel and I called my brother and he said, "I am going to have dinner, would you come with me?"

And I was coming back to New Orleans and that is when I went to the luncheon. Before we had sat down to eat, we hadn't had no luncheon at all, and we got all arrested, and they kept us nearly 24 hours before we got out on bond.

Mr. PHILLIPS. Mr. Marcello, could you tell me why Santo Trafficante happened to be at the La Stella Restaurant, after coming all the way from Tampa, Fla.?

Mr. MARCELLO. No, sir; I couldn't tell you.

Mr. PHILLIPS. In other words, he just happened to be dropping by for lunch, too?

Mr. MARCELLO. I couldn't tell you how he got there.

Mr. PHILLIPS. How about Mr. Bruno, who came from Philadelphia, Pa.? Did he just drop by for lunch, too?

Mr. MARCELLO. Mr. Bruno. I don't believe Mr. Bruno was at the luncheon.

Mr. PHILLIPS. You don't think he was there?

Mr. MARCELLO. No. I am most positive.

Mr. PHILLIPS. Who else was there?

Mr. MARCELLO. Oh, it was 13 of us altogether.

Mr. PHILLIPS. And all of those 13 men had prior criminal records; isn't that the case?

Mr. MARCELLO. I wouldn't know that. I didn't know that.

Mr. PHILLIPS. You say you were there for no purpose at all, except to have lunch?

Mr. MARCELLO. That is right.

Mr. PHILLIPS. Did you tell that to the grand jury?

Mr. MARCELLO. Yes, sir.

Mr. PHILLIPS. You remember that?

Mr. MARCELLO. That is all I could tell them, the truth.

Mr. PHILLIPS. Did you tell them about the $750,000 loan?



Mr. MARCELLO. No, I didn't talk to them about no loan. The loan didn't have nothing to do with the luncheon.

Mr. PHILLIPS. That is something you made up for us?

Mr. MARCELLO. I didn't get it?

Mr. PHILLIPS. Mr. Marcello, do you know Frank Costello?

Mr. MARCELLO. Yes, I know him.

Mr. PHILLIPS. How long have you known Frank Costello?

Mr. MARCELLO. About 25 years or so.

Mr. PHILLIPS. And have you ever been in business with Mr. Costello?

Mr. MARCELLO. Yes, sir. I was at the Beverley Country Club in Jefferson.

Mr. PHILLIPS. What type of business was that?

Mr. MARCELLO. A nightclub, casino.

Mr. PHILLIPS. It is a gambling casino; is that correct?

Mr. MARCELLO. Yes, sir.

Mr. PHILLIPS. Was gambling legal in Louisiana at that time?

Mr. MARCELLO. I wouldn't know if it was legal, but we have gambling; yes.

Mr. PHILLIPS. You mean you don't know whether it was legal or illegal?

Mr. MARCELLO. Well, I mean, I don't know if it was legal or illegal; no. We just opened up and that was it. We didn't have a license to run it, to make it legal.

Mr. PHILLIPS. You are telling, Mr. Marcello, that you operated this gambling casino with Frank Costello; is that correct?

Mr. MARCELLO. No, I just had stock in the club, in the club and casino. I had some stock in it.

Mr. PHILLIPS. You say Mr. Costello also owned stock?

Mr. MARCELLO. He had stock that I knew of. That is all I can tell you.

Mr. PHILLIPS. And what was Mr. Costello's business?

Mr. MARCELLO. I wouldn't know, sir.

Mr. PHILLIPS. You don't know Mr. Costello is one of the biggest bookmakers in this country; one of the biggest racketeers in this country?

Mr. MARCELLO. No, sir; I didn't know it.

Mr. PHILLIPS. You have no idea what business he was in?

Mr. MARCELLO. No, sir; I didn't.

Mr. PHILLIPS. You have known him for 30 years; is that correct?

Mr. MARCELLO. Since about 1945, something like that.

Mr. PHILLIPS. What other ventures have you been in with Mr. Costello?

Mr. MARCELLO. That is the only one that I can remember; having stock at the Beverley Country Club.

Mr. PHILLIPS. You never had any other business transactions or any other transactions with Mr. Costello?

Mr. MARCELLO. Not that I can remember, sir.

Mr. PHILLIPS. Do you know Mr. Zerilli?

Mr. MARCELLO. I heard of him.

Mr. PHILLIPS. You never had any dealings with Mr. Zerilli?

Mr. MARCELLO. No, sir.

Mr. MARCELLO. I will take the fifth amendment, that it may tend to incriminate me.

Mr. PHILLIPS. You refuse to tell me who you sell tomatoes to; is that correct?

Mr. MARCELLO. Yes, sir.

Mr. PHILLIPS. Isn't it a fact, when I asked you if this was a phony job, that you don't really do the job, that you were lying to us before when you said it was a bona fide job?

Mr. MARCELLO. No sir; I was telling the truth.

Mr. PHILLIPS. Then why don't you tell me who you sell the tomatoes to?

Mr. MARCELLO. I will take the fifth amendment because it may tend to incriminate me.

Mr. PHILLIPS. It may tend to incriminate you because you have been filing false tax returns; isn't that the case?

Mr. MARCELLO. No, sir. Absolutely not.

Mr. PHILLIPS. Well, you earned $20,000 in 1966 from this tomato company. Where is this tomato company located?

Mr. MARCELLO. I am going to take the fifth amendment, again.

Mr. PHILLIPS. You don't even want to tell me where this tomato company is located; is that correct?

Mr. MARCELLO. I take the fifth amendment. It may tend to incriminate me.

Mr. PHILLIPS. Isn't it a fact no tomato company exists?

Mr. MARCELLO. I take the fifth amendment.

Chairman PEPPER. Mr. Marcello, you have a perfect right, of course, to claim your constitutional privilege. You have used the words "I take the fifth amendment." Do you, and does your counsel advise you, that what you intend to say to the committee by that, is that you respectfully refuse to answer the question because you believe the answer might tend to incriminate you? Is that what you mean to say?

Mr. MARCELLO. Yes, sir.

Chairman PEPPER. And that is what you intend to say when you say you take the fifth amendment?

Mr. MARCELLO. Absolutely, sir. And, sir, I am going to take the fifth amendment on every other question.

Mr. PHILLIPS. Every other question?

Mr. MARCELLO. Yes. Every other question you ask me, I will take the fifth amendment.

Mr. PHILLIPS. You're in so deep now you can't get out; is that correct?

Mr. MARCELLO. No, sir; that is not so. I came here with the intention to answer all of the questions.

Mr. PHILLIPS. Until you got trapped. Isn't that the case?

Mr. MARCELLO. I am not trapped at all.

Mr. PHILLIPS. Would you tell us who the management of the Pelican Tomato Co. is?

Mr. MARCELLO. Same grounds. I refuse to answer on the grounds it may tend to incriminate me.

Mr. PHILLIPS. Now, Mr. Marcello, we want to know about the Hibiscus Stables.

Mr. MARCELLO. Sir?



Mr. PHILLIPS. The Hibiscus Stables. Do you know anything about the Hibiscus Stables?

Mr. MARCELLO. I am going to take the fifth amendment.

Mr. PHILLIPS. Isn't it a fact you own racehorses, Mr. Marcello?

Mr. MARCELLO. I take the fifth amendment.

Mr. PHILLIPS. Isn't it a fact you own a substantial interest in racehorses?

Mr. MARCELLO. I take the fifth amendment.

Mr. PHILLIPS. We would like to know, Mr. Marcello, about your land dealings in relation to track sites in Louisiana. Will you testify about your land dealings in relation to track sites in Louisiana?

Mr. MARCELLO. I take the fifth amendment.

Chairman PEPPER. Do you repeat, Mr. Marcello, that it is your intention to decline to answer any other questions to the committee on the same grounds?

Mr. MARCELLO. Yes, sir.

Chairman PEPPER. Any questions by any members of the committee?

Mr. WALDIE. Do I gather, Mr. Marcello, that you had intended, when you arrived here today, to respond to questions from the committee, but, because of the events that have occurred here, you have changed your mind in that regard?

Mr. MARCELLO. I didn't understand you, sir.

Mr. WALDIE. The question I had was: I gathered, from what you said, you had intended to respond to questions of the committee; but, subsequent to your arrival here, you had a change of opinion. Is that because of what has occurred here and the questions that have been asked of you?

Mr. MARCELLO. No, sir; I just felt like I take the fifth amendment on all of the questions.

Mr. WALDIE. Well, I don't want to discourage you from claiming any privilege that you believe is yours, but there are a number of questions that the committee would be desirous of having cleared up, and I suspect you have within your knowledge the information that we seek.

May I try another line of questioning to see if you can change your mind in that regard?

Mr. MARCELLO. Can I consult my attorney?

Mr. WALDIE. Yes, sir.

(Witness confers with counsel.)

Mr. MARCELLO. Yes, sir. I would be glad to listen at your questions.

Mr. WALDIE. The interest that I have is based upon testimony that has been given to the committee that implies that you have had a great deal of contact with two groups of people. Those that are identified as having participated in organized crime, and the other group of people being those involved in the racing industry in Louisiana.

My line of questioning is seeking to learn the extent of your involvement with the racing industry in Louisiana. In that regard, I would like to ask you: Do you have any equity ownership in any entity involving horseracing in Louisiana?

Mr. MARCELLO. Absolutely not.

Mr. WALDIE. Do you own any horses that you race in Louisiana, or elsewhere?

Mr. WALDIE. I have no more questions at this time, Mr. Chairman.
Chairman PEPPER. Mr. Steiger, do you have questions?
Mr. STEIGER. Yes, Mr. Chairman. Thank you.
Mr. Marcello, do you have any ownership interest or investments outside of the State of Louisiana at this time?
Mr. MARCELLO. Any interest at all, or just racetracks, or what?
Mr. STEIGER. No, sir. In land or companies that operate outside of the State of Louisiana, to the best of your knowledge?
Mr. MARCELLO. No, sir.
Mr. STEIGER. Have you had in the past any land investments or corporate investments outside of the State of Louisiana?
Mr. MARCELLO. Not that I know of.
Mr. STEIGER. I gather that, in addition, in the past you have been interested in other things, other than as far as investments, other than the tomato business. Is it true that you have an interest or are the controlling owner of a property known as the Town & Country Motel? Is that correct, sir?
Mr. MARCELLO. I did have interest in it.
Mr. STEIGER. You have disposed of that interest?
Mr. MARCELLO. Yes. We disposed of it.
Mr. STEIGER. Is your main office still in that complex?
Mr. MARCELLO. Yes.
Mr. STEIGER. Did you dispose of that to members of your family, or to some outside interests? Was that a corporate structure originally?
Mr. MARCELLO. The Town & Country was owned by me and my brothers, and two other fellows. We sold it to my son, which the name is Stevie Corp. now. Under Stevie Corp.
Mr. STEIGER. I see. Do you recall when that was accomplished?
Mr. MARCELLO. I think about 1965, or maybe 1964, sir. I wouldn't want to say definitely the year.
Mr. STEIGER. Would you have a pretty good idea as to how many other investments in Louisiana corporations or businesses you have at this time? I know you have already specified you have no racetrack interest at this time. I wondered about any other companies that provide a service or produce something.
Mr. MARCELLO. Well, I have some land in different corporations, sir, in Louisiana.
Mr. STEIGER. I understand that. Are your landholdings primarily in Jefferson Parish?
Mr. MARCELLO. Mostly in Jefferson Parish, yes. Mostly in Jefferson Parish.
Mr. STEIGER. Mostly in Jefferson Parish?
Mr. MARCELLO. At the present time, I believe it is all in Jefferson.
Mr. STEIGER. Are these mostly commercial type of properties or are there some agricultural properties, also?
Mr. MARCELLO. Most all land that is going to have to be developed in years to come.
Mr. STEIGER. As a potential commercial development?
Mr. MARCELLO. Well, I really don't understand the question.
Mr. STEIGER. I mean, all I am trying to find out is if the land you have invested in is primarily agricultural land or land that you plan to develop or hold for somebody else to develop at some future date.
Mr. MARCELLO. Yes, for someone else to develop; or for investment.



Mr. STEIGER. Are you familiar with a company known as the Associated Waterproofing Co., Inc.? Does that ring a bell?
Mr. MARCELLO. Yes.
Mr. STEIGER. Is the president of that company a Mr. Jerry Wood?
Mr. MARCELLO. Yes, sir.
Mr. STEIGER. Do you have any investment in that company?
Mr. MARCELLO. In that company?
Mr. STEIGER. Yes.
Mr. MARCELLO. No, sir.
Mr. STEIGER. Do any of your brothers have any investment in this company, to your knowledge?
Mr. MARCELLO. I couldn't tell you what my brothers have.
Mr. STEIGER. I understand. Have you had in the past an investment in that company?
Mr. MARCELLO. Not in the last 15 years that I can remember.
Mr. STEIGER. What is your relationship with Mr. Wood? Have you loaned him money? Is it simply a friendship?
Mr. MARCELLO. No; he is a personal friend of mine.
Mr. STEIGER. A personal friend of long standing?
Mr. MARCELLO. Right, sir.
Mr. STEIGER. Mr. Marcello, have you ever contributed personally to political campaigns within the State of Louisiana, to your memory? Contributed money?
Mr. MARCELLO. For campaigning?
Mr. STEIGER. Yes, sir.
Mr. MARCELLO. Not as I can remember.
Mr. STEIGER. You don't——
Mr. MARCELLO. Not as I can remember in the last 10 years, anyway.
Mr. STEIGER. You don't recall making a campaign contribution in the last 10 years?
Mr. MARCELLO. No, sir. I can't recall that at all.
Mr. STEIGER. The implication is that in the time prior to that, you might have made a campaign contribution?
Mr. MARCELLO. I might have, yes.
Mr. STEIGER. But in the time prior to that, were any of these campaign contributions of a significant amount?
Mr. MARCELLO. No, sir.
Mr. STEIGER. I know you are very active in Louisiana. Why did you make a judgment not to contribute to political campaigns?
Mr. MARCELLO. Because I am in the land investment business. I am in a legitimate business.
Mr. STEIGER. Yes, sir.
Mr. MARCELLO. That is why.
Mr. STEIGER. So you felt, being in a legitimate business, it wasn't necessary to make political contributions; is that correct?
Mr. MARCELLO. Yes.
Mr. STEIGER. What is the Lane Investment Co., Mr. Marcello?
(Witness confers with counsel.)
Mr. STEIGER. Are we spelling that L-a-n-e?
Mr. MARCELLO. Land. L-a-n-d.
Mr. STEIGER. Land. I am sorry. I am a Yankee. I see. And the land investment that you refer to is simply your land investment. That is

So two big fellows, must have been from Washington or somewhere, that I hadn't seen them before, they put handcuffs on me and walked me downstairs, in St. Charles Street. And my lawyer—they had the TV's and everything there. When I went down there I even asked them, I said, "Could I use the phone to call my attorney?"

They said, "No sir." I said, "Can I call home and get me a suit or toothbrush, or something like that?" They said, "No, you are going now."

They took me and put me in a car and my attorney come in there and said, "I am his attorney," and they said, "You get in the car, too," and they shoved him in the car.

Mr. STEIGER. Your counsel?

Mr. MARCELLO. No, sir. That wasn't Mr. Wasserman. It was Mr. Philip Smith.

So we passed from St. Charles Street, New Orleans—you are going to the airport, which is the Town & Country is about halfway from New Orleans to the airport. So I said, "Leave Mr. Smith out at the Town & Country." They wouldn't do that. They was going about 70–75 miles an hour, with two other cars, with sirens, they wouldn't stop. Because I wanted Mr. Smith to call Mr. Wasserman and tell him what was going on, sir.

So we get to the airport. They have a 78-passenger plane with the two Immigration, the copilot and just us alone. At 27 minutes we left from St. Charles, they put me on the plane and let Mr. Smith go.

But that time he was running to the airport where he could make a phone call to Mr. Jack Wasserman. Well, I was gone—in about 2½ or 3 hours I was in Guatemala. And Mr. Smith, the way I understand, called Mr. Wasserman and told him what happened.

He was so excited and so nervous, Mr. Wasserman said, "Call me back because I can't understand a word you say." Which he did.

By that time I was in Guatemala. And they landed me at, they were supposed to land me at the commercial airport and they landed me at the military airport.

So a colonel named Colonel Battery, just like a battery of an automobile, and he asked, "Tell us where you want to go at"—Mr. Marcellie, he called me—"Where do you want to go?" I said, "I would like to go in a hotel, anywhere."

He said they have a lot of newspaper reporters and TV's waiting for me. I said, "Waiting for me?" He said, "Yes, at the four biggest hotels." He said, "Do you want to talk to them?"

I said, "No, I don't want to talk to them." I was all excited, I hadn't had lunch all day, I was nervous. So by that time he put me in a station wagon. And I couldn't talk Spanish, and the fellow couldn't talk English, so we had a rough go.

So they switched me into another automobile. I was switched in nine automobiles. I was getting nervous. So I said, "Could you call Colonel Battery?" So I got ahold of him at 11 o'clock at night.

Mr. STEIGER. Excuse me. Was Colonel Battery an American colonel?

Mr. MARCELLO. No, sir; he is a Guatemalan colonel. But he can speak good English.

So I said, "Could you get somebody who could speak. I am hungry and nervous!" So he did. He got his secretary. So his secretary came over with a 1956 Chevrolet automobile.



You want to hear it all?

Mr. STEIGER. Sure.

Mr. MARCELLO. Just like it was.

So she comes down there, name of Miss Jenks. She is a secretary. She is from Washington, D.C., I find that out. She was a very nice lady. And Mr. Battery said, "She is going to take care of you, get you an apartment for the night and put you up, because they are all at the hotel waiting for you."

By that time—so she said, "Would you have a sandwich at the Club Casablanca?" I said, "Yes." I had a turkey sandwich and I had a brandy. Then I felt a little better. By that time it was about 2:30 in the morning, and she must have called somebody. I really don't remember, if she called Colonel Battery, or who.

And she said, "Well, I have a place for you to stay." So she takes me to her apartment. She takes me to her apartment, she said, "You are going to stay here." And they have a king-size bed, and she said, "You can sleep on this side. I am going to sleep on that side."

I said, "Fine."

So she went and undressed, she put the light out. And they had a big wardrobe. So I didn't have no pajamas, I was ashamed. But she turned the light out and turned her back to me. I took my coat. She told me the locker was there. When I saw the locker and saw boots, a lumberjacket and men's clothes, I said, "Well, that's it."

I say, "That's it."

Mr. STEIGER. She was a nice lady, though; wasn't she?

Mr. MARCELLO. She was a nice lady is right. And I couldn't sleep all that night. It was about 3 o'clock.

About 7 o'clock I called Miss Jenks. I woke up, I said, "Miss Jenks?" She said, "Yes." I had put my clothes back on. I said, "Will you call my wife and tell her where I am at?" Because she could speak Spanish, you see, and I couldn't.

So she got them on the phone and my wife got on the phone.

So I told her I was all right, not to worry. My daughter got on the phone. So they all started to crying and carrying on.

So by that time the secret service from Guatemala and these two lieutenants, or whatever you want to call them, secret service men, they come there to pick me up about 9 o'clock and I had coffee with them. They took me to the palace, where the minister of foreign affairs was, and they was going to question me. So all at once, the secret service men say, "You are a Guatemala citizen."

I said, "Yes, good." What can I tell them? They had the newspapers and the TV's and all, they asked me questions, and they couldn't speak English.

So they had some fellow speak broken English. He said they want to know who—I say I couldn't understand—I said, "Look, they brought me here"—which I should have said they kidnapped me, as they had done. They kidnapped me. They brought me here. So the secret service said, "Come on, we are going to take you in a car."

I said, "No, I can catch the cab," because we were going to the Belmont Hotel. Because we had checked out where I was going to say. I go there, the same time I talk to my wife that morning, and they said my brother, Salvadore, was bringing me some clothes and some money

Mr. STEIGER. Were you ever able to determine who forged the original document?

Mr. WASSERMAN. Yes. This was all brought about in a criminal proceeding subsequently. A man by the name of Carl Nowall, who has an extensive criminal record, and who was a witness for the Government, was the one who made the arrangements to create this forged document.

Mr. STEIGER. What was the original deportation for, Mr. Wasserman?

Mr. WASSERMAN. On the basis of the narcotic conviction.

Mr. STEIGER. On the basis of what?

Mr. WASSERMAN. On the basis of his marihuana conviction in 1938.

When Mr. Marcello returned in 1961, new deportation proceedings were instituted against him on the basis, among other things, that he had a narcotic conviction, I believe, and that he reentered the country illegally. Those proceeding are still pending.

The latest decision in the case was an order reopening the case for further proceedings this month. They are to take place the end of this month, in New Orleans.

Mr. STEIGER. Mr. Wasserman, are you a former official of the Immigration Department?

Mr. WASSERMAN. I was a member of the Board of Immigration Appeals. Technically, the Board of Immigation Appeals is separate from the Immigration Service. I do specialize in immigration. I lecture to the Practicing Law Institute on immigration.

Mr. STEIGER. Were you a member of the Board of Appeals when you served as Mr. Marcello's counsel in 1961?

Mr. WASSERMAN. Oh, no.

Mr. STEIGER. When was the last time you served on the Board of Appeals?

Mr. WASSERMAN. I was a member of the Board—I was in the Government from 1941 to about 1946. I did not become Mr. Marcello's attorney until 1953.

Mr. STEIGER. I see.

Mr. WASSERMAN. It would obviously have been a conflict of interest if I had.

Mr. STEIGER. I must confess, Counsel, that occurred to me.

Mr. Marcello, did you fly from Honduras to Miami by commercial airplane?

Mr. MARCELLO. Right.

Mr. STEIGER. Was it an American airplane or Honduras airplane, if you recall?

Mr. MARCELLO. It was a small—it was possibly about an 80-passenger plane. I really couldn't recall it. It could be either way.

Mr. STEIGER. I gather from your comments that you felt that you were not only improperly deported, but very unfairly deported Mr. Marcello, because of the constant publicity which you have received, and your identification in the public eye as a member of organized crime, a very important member of that group. I would be interested, and I think the committee would too, as to your feelings other than the obvious rejection of the fact, which I would assume you reject the image which has been portrayed of you. How do you account for the fact you have been repeatedly identified as a significant figure in organized crime, by apparently responsible people, in some cases at least. Would you care to explain why the constant identification of you as a chief figure in organized crime has been made over the years? I gather for about 12 years, now.



(Witness confers with counsel.)

Mr. MARCELLO. It really started in 1951, when Kefauver came in New Orleans. I think with the report of Mr. Aaron Kohn which had been investigating me from the day he come to New Orleans until today, making false statements about me. He has been there for 20 years. The FBI have been watching me, the Immigration have been watching me, the Internal Revenue has been checking me every year.

All officials, all officials in Jefferson Parish and Orleans Parish, intelligence and police, for 20 years. But they are the ones giving me all of this publicity. Just like me coming up here now. I am not in no racket. I am not in no organized crime.

Mr. STEIGER. Is there such a thing in this country, Mr. Marcello, as organized crime?

Mr. MARCELLO. Not as I know, sir. I wouldn't know.

Mr. STEIGER. My colleague, Mr. Waldie, has a question.

Mr. WALDIE. It is on the point Mr. Staiger was inquiring about. Counsel was asking you a series of questions, and I didn't fully understand the gist of them and I think I do now.

Let me establish some background for you. It involved that meeting at the La Stella Restaurant, and the question was raised by Life magazine that in that meeting you were invited or summoned—Life magazine uses the phrase—by clearly identified figures in organized crime. And, theoretically, according to the Life magazine article, you were being summoned to explain why things had gone wrong in the area, theoretically, or allegedly, under your jurisdiction, in the Louisiana-southwestern part of the United States.

Now, I listened to your explanation of that luncheon and I would like you to explain to me, if you will, Mr. Marcello—these are prominent with whom you were having lunch and they are not the normal type of people that you would casually have lunch with, particularly since you did not know most of them personally, you had never met them before this particular luncheon date.

It does raise questions in the minds of men, such as myself, as to what was the purpose of the luncheon and why were you meeting with people as well known as these people were, that didn't seem to have any common connection with you. They were not in the same business, appreatly, as you; they were not the source of financing you were seeking, I gather, for the development of the nursing home, the $750,000. Your brother, I understood you to say, was the one that suggested you attend the luncheon.

I think it is important to you, and it would be important to me as a member of the committee, that you try to let the committee know what your understanding of the purpose of that luncheon was. Were you just to be introduced to these people by your brother, as possible business contacts in the future? What did your brother explain the purpose of the luncheon to be?

Mr. MARCELLO. It was known I was leaving to come back to New Orleans. He said, "Would you come to lunch with us?" He said, "Some

And Mr. Kohn is always giving us trouble, giving us a lot of publicity, saying what he wants to say. There is always two sides to a story, sir.

Mr. STEIGER. All right. We had testimony here last week, from a gentleman who is incarcerated, that you were a member of what is known—and to the best of my knowledge, this gentleman had never met Mr. Kohn, I will tell you that in advance—and he testified that you, and he named Raymond Patriarca, and I believe he named Mr. Zerilli of Detroit, as being members of a commission that regulated organized crime.

Am I to assume you reject that identification? Do you deny that you are a member of a commission that runs the organized crime in this country?

Mr. MARCELLO. Positively.

Mr. STEIGER. Then, how do you account for a man like Mr. Barboza, who has nothing to gain, no profit by naming you as a member of this important commission? You say Mr. Kohn is making a living at it, the Times-Picayune is selling newspapers, Life magazine, I gather, is selling magazines. What possible motive could Mr. Barboza have, who, incidentally, was identified as a hit man for another element of the New England people?

Mr. MARCELLO. Sir, I don't even know him. How could he make those statements? I have never met him. How could he even make a statement like that?

Mr. STEIGER. Well, you see, the fact is he did make the statement and we are faced with your rejection of that statement. I guess we would be pretty naive if we didn't think you would reject it.

Let's get back to some specifics. Have you ever paid any money directly or indirectly to any law enforcement official in order to secure copies of confidential records which pertain to Jefferson Downs, or the officials of Jefferson Downs? Do you recall? I am going to ask you to consider very carefully. Do you recall having ever given any money, either indirectly through an intermediary, or something of value, so that you ended up receiving some papers of law enforcement officials in specific reference to Jefferson Downs and the race meeting at Jefferson Downs within the last 4 years?

I ask that you think because—I suppose this is a violation of protocol, Mr. Chairman—I would remind you again, sir, that you are under oath. I ask if you can remember.

Mr. MARCELLO. I can't recall, sir.

Mr. STEIGER. I was afraid you might not.

Do you recall meeting with a representative of the Jacobses and one of the young Jacobs boys and discussing the Imperial Meat Co.? Does that jog your memory? Are you aware of the Imperial Meat Co. in New Orleans?

Mr. MARCELLO. Yes.

Mr. STEIGER. Have you had an interest, or do you have an interest, in the Imperial Meat Co.?

Mr. MARCELLO. No, sir. My son-in-law.

Mr. STEIGER. Yes, sir. Is it possible that they would have met with Mr. Jacobs and the representative of Sportservice and you would not have known about that?



Mr. MARCELLO. Absolutely, I don't know nothing about it.

Mr. STEIGER. I am asking you: Is it possible that your son and son-in-law might have met with Mr. Jacobs and a representative of Sportservice and you would not know they had met with them?

Mr. MARCELLO. Yes, sir.

Mr. STEIGER. Mr. Chairman, you have been very indulgent with me. I will yield back at this time. Thank you for your indulgence.

Chairman PEPPER. Mr. Winn?

Mr. WINN. Thank you, Mr. Chairman. I will try to hold my questions down because we are running out of time.

You said earlier, I believe, that you were in the land business? Are you a real estate broker?

Mr. MARCELLO. No, sir.

Mr. WINN. You are not licensed in the State of Louisiana to sell or deal in properties?

Mr. MARCELLO. No, sir.

Mr. WINN. You would be then what you call a speculator in land?

Mr. MARCELLO. Yes, sir; I think so.

Mr. WINN. You buy land and you sell land?

Mr. MARCELLO. I buy and hold it for a number of years.

Mr. WINN. Buy it, hold it, and speculate?

Mr. MARCELLO. Yes.

Mr. WINN. What percentage of your income would you guess would come from these speculative land deals?

Mr. MARCELLO. I couldn't say offhand.

Mr. WINN. Could you give us an estimate?

Mr. MARCELLO. No, sir; I could not at the present time.

Mr. WINN. Would there be more from this type of business than you derive from the tomato business?

Mr. MARCELLO. No, sir. At times we don't sell nothing for a whole year, 2 years, and sometimes we just go ahead and make a sale at one time. We make a big sale, or something.

Mr. WINN. But the tomato business and the land business are your two main businesses; is this true?

Mr. MARCELLO. Yes.

Mr. WINN. Those are the basic sources of your income?

Mr. MARCELLO. Yes.

Mr. WINN. Do you know a Haskell Jones?

Mr. MARCELLO. From where, sir?

Mr. WINN. Well, I would say Mr. Haskell Jones is from Jefferson Parish, La.

Mr. MARCELLO. From Jefferson Parish? I think so. If that is the same one, I think so.

Mr. WINN. Well, maybe you would know him better under the name of a company that distributes gambling equipment, know as the Jones Brothers?

Mr. MARCELLO. Jones Brothers? Yes, I know him.

Mr. WINN. That rings a bell?

Mr. MARCELLO. Yes.

Mr. WINN. So, then you do know Mr. Haskell Jones?

Mr. MARCELLO. Yes, sir.

Mr. KEATING. Some of your brothers had an interest in Town & Country with you?
Mr. MARCELLO. Yes. About 6 or 8 years ago; yes, sir.
Mr. KEATING. And your son owns that entirely, now?
Mr. MARCELLO. Yes, him and my two daughters.
Mr. KEATING. So your three children each have an interest of some sort in Town & Country?
Mr. MARCELLO. Yes.
Mr. KEATING. Do you have any interest, at all, at this point?
Mr. MARCELLO. At this point, no, sir.
Mr. KEATING. What is Town & Country?
Mr. MARCELLO. It is a motel, a restaurant, and Imperial Meat Market is next door and my office is next door to it.
Mr. KEATING. Then you lease from your children, I suppose?
Mr. MARCELLO. Yes.
Mr. KEATING. You said you did have an interest in Jefferson Music Co., the one time?
Mr. MARCELLO. Yes.
Mr. KEATING. And how long have you been out of the music company?
Mr. MARCELLO. I think it was 1960 or 1961, sir.
Mr. KEATING. What kind of business do they operate, Jefferson Music Co.?
Mr. MARCELLO. Music boxes and turntables.
Mr. KEATING. Pinball machines and music?
Mr. MARCELLO. All types of music.
Mr. KEATING. Did Bally Manufacturing Co. have any interest in the Jefferson Music Co.?
Mr. MARCELLO. Have any interest in it?
Mr. KEATING. Did they at one point?
Mr. MARCELLO. When I was in there?
Mr. KEATING. Yes, sir.
Mr. MARCELLO. No, sir.
Mr. KEATING. Do they now?
Mr. MARCELLO. I am sure they don't.
Mr. KEATING. Was there a business relationship between Bally and Jefferson Music Co.?
Mr. MARCELLO. No, sir; not as I know of.
Mr. KEATING. In the sense that they did business with each other?
Mr. MARCELLO. No, sir; they didn't do business with each other. They had distributors in New Orleans.
Mr. KEATING. Bally did?
Mr. MARCELLO. Yes. And Jefferson Music used to buy from the distributor in New Orleans.
Mr. KEATING. What did they buy from Bally?
Mr. MARCELLO. Turntables.
Mr. KEATING. Do any of your brothers have any interest in the Jefferson Downs racetrack?
Mr. MARCELLO. I couldn't answer that question. I don't think so.
Mr. KEATING. Do any of your children, that you know of?
Mr. MARCELLO. No, sir.
Mr. KEATING. Now, you indicated before you were in the tomato business and the land investment business; is that correct, sir?



Mr. MARCELLO. Yes.
Mr. KEATING. Do you have extensive land holdings in Jefferson Parish?
Mr. MARCELLO. Yes.
Mr. KEATING. Do you have some unimproved land?
Mr. MARCELLO. All of it, mostly, is unimproved.
Mr. KEATING. In those areas where there are some buildings on the land, do you own the buildings as well?
Mr. MARCELLO. No, sir. More like a house on it, yes. The corporation owns it.
Mr. KEATING. Do you own any shopping centers down there?
Mr. MARCELLO. No, sir.
Mr. KEATING. I believe you indicated, and correct me if misinterpreted this, you were involved in gambling activities at one time in New Orleans?
Mr. MARCELLO. Yes, sir.
Mr. KEATING. How long have you been away from those gambling activities?
Mr. MARCELLO. Since Kefauver came down—1951, about that time.
Mr. KEATING. How long had you been in it before then?
Mr. MARCELLO. Oh, for about 10 years, I imagine.
Mr. KEATING. Were your brothers associated with you at that time?
Mr. MARCELLO. A couple of them, yes.
Mr. KEATING. Then you have been involved in a number of different kinds of businesses since that time, I take it?
Mr. MARCELLO. Yes, sir. I have been in the motel business since.
Mr. KEATING. What is the name of the tomato company that you were talking about before?
Mr. MARCELLO. Pelican Tomato Co.
Mr. KEATING. And you have partners in that business?
Mr. MARCELLO. Yes.
Mr. KEATING. Is it a corporation?
Mr. MARCELLO. Yes.
Mr. KEATING. And you own some of the——
Mr. MARCELLO. No, sir. I don't own.
Mr. KEATING. You just work for them, for Pelican?
Mr. MARCELLO. I just work for them.
Mr. KEATING. That is a pretty large company, it it not?
Mr. MARCELLO. Whatever you call it, sir. I wouldn't know. I wouldn't know if it is big.
Mr. KEATING. Do you have any partners in any of your land investment business now?
Mr. MARCELLO. Yes.
Mr. KEATING. Are there many or are there just a few?
Mr. MARCELLO. It is a corporation, not partners, sir.
Mr. KEATING. Do you have other owners involved with you in that corporation?
Mr. MARCELLO. Yes.
Mr. KEATING. Are there large numbers of people involved, or just a few?
Mr. MARCELLO. Just a few of them.
Mr. KEATING. Is it more than just your family?

Mr. MARCELLO. No, sir; not at all, sir.

Chairman PEPPER. Do you consider that those men were connected with organized crime in any way?

Mr. MARCELLO. I couldn't say, sir. I wouldn't know.

Chairman PEPPER. Well, now, let me go back again to this meeting you had in September of 1966. I want to be sure about this. Are you telling this committee, Mr. Marcello, that you accepted the invitation of your brother to go to the luncheon where you were arrested, along with a number of other people who were there, and that you had no invitation to go there, that you had no knowledge of the people who were to be there, other than your brother?

Mr. MARCELLO. Yes, sir.

Chairman PEPPER. That is your testimony here today?

Mr. MARCELLO. Well, I knew a couple of boys from New Orleans, sir. I told you that before, sir.

Chairman PEPPER. Did you know they were going to be there?

Mr. MARCELLO. No; I find out from my brother when he called me He told me, two boys from New Orleans was going to be there. So that is the reason I went.

Chairman PEPPER. Oh, you did know from your brother that two New Orleans men were going to be there?

Mr. MARCELLO. Yes, sir.

Chairman PEPPER. And you expected to have lunch with your brother and these two New Orleans men?

Mr. MARCELLO. Yes, sir.

Chairman PEPPER. Who were these two men?

Mr. MARCELLO. Anthony Carrollo and Frank Gagliano.

Chairman PEPPER. They were from New Orleans?

Mr. MARCELLO. Yes, sir.

Chairman PEPPER. Were they engaged at that time in any illegal operations of any kind?

Mr. MARCELLO. Not as I know, sir, at all.

Chairman PEPPER. But you didn't know anybody else was to be there?

Mr. MARCELLO. No, sir; I didn't know that.

Chairman PEPPER. Did you have any meeting with any of the people who were arrested there that day, at the luncheon, and before you all were arrested?

Mr. MARCELLO. No, sir; I didn't know none of them until that day when I went there. That was the first time I met them; yes, sir.

Chairman PEPPER. You did not have any meeting with them prior to the arrest?

Mr. MARCELLO. No, sir; I didn't know them before.

Chairman PEPPER. Well, now, the Life article said:

In September, 1966, Marcello—

referring to you—

was summoned to defend himself at a secret Mafia trial, the "Little Appalachian" meeting at La Stella Restaurant in Queens, N.Y. Police raided that meeting and arrested, among others, Marcello, Trafficante, and the presiding "judge," Cosa Nostra Commissioner Carlo Gambino. But Marcello had won his "case" before the raid took place.

After his release by the New York police, he returned to New Orleans exuberant with victory.



Is there any truth in that article I just read to you?

(Witness confers with counsel.)

Mr. MARCELLO. Sir, I really didn't understand the full question.

Chairman PEPPER. Very well.

I am asking you is there any truth in this statement that appeared in the Life magazine article about you, a part of which reads as follows. I am reading now from the Life article:

In September, 1966, Marcello was summoned to defend himself at a secret Mafia trial, the "Little Appalachian" meeting at La Stella Restaurant in Queens, N.Y. Police raided that meeting and arrested, among others, Marcello, Trafficante, and the presiding "judge," Cosa Nostra Commissioner Carlo Gambino. But Marcello had won his "case" before the raid took place. After his release by the New York police, he returned to New Orleans exuberant with victory.

And it goes on to tell it was at the airport where you hit the FBI man.

Is there any truth in what I just read to you from the Life article?

Mr. MARCELLO. No, sir. The only truth that I met my brother, the other two boys, and I happen to know Mr. Trafficante for about 25 or 30 years. I went to the airport and the FBI was there, and I thought it was the TV's, and they followed me from the time I got off of the plane, down to the ramp, and one of the FBI, which I didn't know was an FBI, he came right into me and he done that [indicating].

I said, "Get out of my way," and I went in the car and went on home about my business.

The next day they came to arrest me. He never said he was FBI. He was in shirt sleeves, he didn't show me no badge, no identification. The next morning at 9 o'clock they were at my house for warrant for arrest for assault. I didn't hit him.

Chairman PEPPER. You were convicted in the Federal court and given a 2-year prison sentence for it?

Mr. MARCELLO. That is true.

Chairman PEPPER. Did you know Mr. Trafficante was going to be at the luncheon meeting in New York?

Mr. MARCELLO. No, sir; I didn't know he was going to be there. But I have known him for some 30 years.

Chairman PEPPER. You said, Mr. Marcello, you are under constant surveillance, didn't you?

Mr. MARCELLO. Yes, sir.

Chairman PEPPER. By the FBI, Immigration people, the local police, and all.

Mr. MARCELLO. Yes, sir.

Chairman PEPPER. Do you say that is a totally unjustified surveillance? That you are not engaged in any illegal activity which would justify such surveillance as that?

Mr. MARCELLO. They have been following me for a number of years now. And if I was doing anything illegal, I am sure they would have arrested me and charged me with any crime that I had committed.

Chairman PEPPER. Have you in the last 3 years received any income from illegal operations of any character?

Mr. MARCELLO. Illegal?

Chairman PEPPER. Illegal.

Mr. MARCELLO. Absolutely not.

Chairman PEPPER. Have you in the last 10 years received any income from any illegal source?

Chairman PEPPER. Would you tell the committee whether or not all of what constitutes your net worth at the present time has been derived from legal sources and none has been derived from illegal sources?

(Witness confers with counsel.)

Mr. MARCELLO. I didn't understand the question, sir.

Chairman PEPPER. State, please, whether any part of your net worth at the present time has been derived from any illegal operation or activity of any kind.

Mr. MARCELLO. I didn't understand the question, sir.

Chairman PEPPER. State, please, whether any part of your net worth at the present time has been derived from any illegal operation or activity of any kind.

Mr. MARCELLO. I couldn't answer. I could answer in the last 10 years, I can answer that question. But I cant' answer 30 years ago.

Chairman PEPPER. Well, what would be your answer with respect to the last 10 years?

Mr. MARCELLO. That I had no money illegal.

Chairman PEPPER. That in the last 10 years you have derived as income?

Mr. MARCELLO. Right.

Chairman PEPPER. Or acquired as assets——

Mr. MARCELLO. Right.

Chairman PEPPER (continuing). Anything of value which did not come from legal operations?

Mr. MARCELLO. Legal operation?

Chairman PEPPER. And none that came from illegal operation.

Mr. MARCELLO. That is right, sir.

Mr. STEIGER. Mr. Chairman, I want to just ask a question.

Mr. Marcello, I am just interested. You told the chairman you advised your brother to stay away from the horses, and you stayed away from the horses. Could you think the horses would be bad for your brother?

Mr. MARCELLO. I never did like horses, myself.

Mr. STEIGER. You mean as animals or as ways of making money?

Mr. MARCELLO. Ways of making money.

Mr. STEIGER. Why don't you like them as ways of making money?

Mr. MARCELLO. Because I never did see nobody make any money out of horses, that's why.

Mr. STEIGER. That may be a very astute judgment.

Thank you.

Chairman PEPPER. Mr. Waldie has another question.

Mr. WALDIE. Mr. Marcello, I caught two responses I want to ask you about. One was that in the last 10 years you have no source of money that you believe is from other than legal sources, but there was another answer earlier, as to whether you were engaged in any gambling activities. I gathered your response to that was not since the Kefauver investigation.

Did I understand that correctly?

Mr. MARCELLO. Well, since the Kefauver, about that time, around that time, I can't pinpoint when Kefauver was there. It has been about 20 years ago. I was in the Jefferson Music, and in the nightclubs where we had gambling, we had the old Southport Pool Club and the new



Southport Club I had interest, and that was gambling, too. So I classified it as illegal business. I don't know if you all would.

Mr. WALDIE. Was it because of the Kefauver investigation that you divested yourself of interest in those activities?

Mr. MARCELLO. Well, after the Kefauver, then a year or so after, I just got out of that business and went into the motel business.

Mr. WALDIE. Was it because of the glare of publicity that Kefauver put on to those activities?

Mr. MARCELLO. Yes. Probably helped a lot.

Mr. WALDIE. Have your sons, or brothers, ramained in those activities?

Mr. MARCELLO. My sons?

Mr. WALDIE. No, your brothers. Have your brothers remained in those activities? And I gather Jefferson Music was one you divested yourself because of its participation in gambling activities.

Mr. MARCELLO. I pulled out in 1961. I couldn't say what they are doing. To the best of my knowledge, I know they have just been charged with pintables or pinball machines, you call it.

Mr. WALDIE. My question, I think, really is directed at this problem that I have. I think your decision was a proper decision, but I am curious as to why your brothers remained in control of businesses that still engaged in gambling activities. Or am I incorrect in that assumption? Do your brothers still remain in control of businesses that engage in gambling activities?

Mr. MARCELLO. Not as I know, sir.

Mr. WALDIE. The Jefferson Music Corp. no longer engages in gambling activities?

Mr. MARCELLO. Not as I know of. No more than they got charged a couple, 2 or 3 months ago with pinball tables. We don't know if it is illegal or whatever it is. I don't know.

Mr. WALDIE. But you got out of that business because of your concern that it had, in fact, been engaged in gambling activities and you wanted no part of it?

Mr. MARCELLO. No, I just wanted to get out, because I had some motels. I wanted to invest in motels and land investment. That was my idea of getting out of it.

Mr. WALDIE. You see, the problem with which I am struggling, as one member of the committee, is I recognize your decision to get out as of the time of the Kefauver inquiry, to disassociate yourself with activities that were engaged in illegal matters, or had at least an indication of illegality surrounding them. But the question I have, as a member of the committee, is did you maintain some control over those activities by leaving your brothers still in control positions? You see what troubles me, you have clearly eliminated your interest in those businesses, but are you exerting any control over those businesses by the fact your brothers remain in possession of the businesses?

Mr. MARCELLO. Otherwise, you mean to tell me, do I have any control over them?

Mr. WALDIE. Yes.

Mr. MARCELLO. At the present time?

Mr. WALDIE. Yes.

Mr. MARCELLO. Absolutely none at all. Absolutely none at all.

Mr. WALDIE. No——

Chairman PEPPER. Not before Friday?

Mr. CASTUCCI. No, sir.

Chairman PEPPER. And your attorney will be here with you tomorrow?

Mr. CASTUCCI. Yes, sir.

Chairman PEPPER. All right.

Without objection, the request of the chief counsel and Mr. Castucci's request, at 10 o'clock tomorrow morning we will hear from Mr. Castucci. You are excused until that time.

Mr. CASTUCCI. Thank you.

Mr. PHILLIPS. Mr. Chairman, in relation to prior testimony of Joseph Barboza, also known as Joseph Baron, I think it is appropriate to put a summary into this record at this time. This is a memorandum to the committee from the chief counsel. It reads as follows:

MEMORANDUM

To: U.S. House of Representatives, Select Committee on Crime.
From: Joseph A. Phillips, Chief Counsel.
Date: May 30, 1972.

This is a summary of appropriate parts of conversations of Raymond Patriarca and Henry Tameilo which were overheard by electronic device operated by Special Agency of the Federal Bureau of Investigation on September 19, 1964.

In the conversation Henry Tameilo explained that every day of the meet he goes to Simpson's Drug Store near the race track and arrives there about 45 minutes before post time. The information is furnished to him at that location, and he usually makes six or seven calls to New York and elsewhere concerning the "hot horses" which he gets from Richie and another group in New York (identities unknown to the informant). Tameilo explained that they have several jockeys "in the bag", and that a named jockey is one jockey that keeps his word, and when they give him a payoff of $400-$500 he pulls his horses real good.

It would appear that the telephone call in reference to "hot horses" is an indication that Tameilo is getting gambling feedback from major betting layoff centers in New York. Under such circumstances the hot horses are those which have received heavy gambling activity throughout the betting syndicate. In such a situation Tameilo would normally arrange to place large bets on the "hot horses" at the parimutuel windows at the track in order to drive down the odds on the hot horses. The moneys bet by Tameilo are commonly referred to as "come back money" by professional bookmakers.

Mr. Chairman, I believe that this investigation conducted by the staff supports and corroborates some of the testimony given by Barboza in his appearance here before the committee last week.

Chairman PEPPER. Very well.

Call your next witness, Mr. Counsel.

Mr. PHILLIPS. The next witness today is Mr. Raymond Traynor, from the U.S. Trotting Association.

## STATEMENT OF RAYMOND TRAYNOR, CHIEF INVESTIGATOR, U.S. TROTTING ASSOCIATION (USTA), COLUMBUS, OHIO

(Having been duly sworn by the chairman)

Chairman PEPPER. You may inquire, Counsel.

Mr. PHILLIPS. Mr. Radding, would you inquire?

Mr. RADDING. Mr. Traynor, could you state your present employment?

Mr. TRAYNOR. I am the head of security for the U.S. Trotting Association.



Mr. RADDING. Prior to this what other jobs have you held?

Mr. TRAYNOR. I was previously employed by the Federal Bureau of Investigation, the Thoroughbred Racing Protective Bureau, and the Ohio State Racing Commission.

Mr. RADDING. So you have a fairly widespread experience in horseracing security; is that correct?

Mr. TRAYNOR. Yes, sir.

Mr. RADDING. Could you tell us what the U.S. Trotting Association actually does, what its duties are, and who are members of it?

Mr. TRAYNOR. The U.S. Trotting Association, also known as the USTA, is a private organization composed of approximately 35,000 members. We register horses, we tattoo horses, we maintain performance records on horses. We have in membership, owners, drivers, trainers, some officials, and racetracks, including all of the county fairs, and parimutuel tracks.

Mr. RADDING. How many of the harness racetracks around the country belong to USTA?

Mr. TRAYNOR. All of them.

Mr. RADDING. How do your duties compare with the Thoroughbred Racing Association, the TRA?

Mr. TRAYNOR. We have all of the racetracks in membership in our association.

Mr. RADDING. But are your duties more extensive than TRA's?

Mr. TRAYNOR. Yes, sir. Due to the fact that we are also the horse registry of all harness horses in the country, among other things.

Mr. RADDING. Do you have the ability to suspend drivers, trainers, and other personnel?

Mr. TRAYNOR. Yes, sir.

Mr. RADDING. Does TRA have that ability?

Mr. TRAYNOR. No, sir.

Mr. RADDING. Mr. Traynor, we want to go into some instances where you have had the opportunity to investigate for the USTA. I would like to refer you first to the Sciota Downs Harness Race Track in Columbus, Ohio.

In 1964, did some unusual event at Sciota Downs come to your attention?

Mr. TRAYNOR. They did.

Mr. RADDING. Could you tell us what transpired?

Mr. TRAYNOR. In January of 1964, the USTA recorded a complaint from a horseowner concerning the eighth race, August 7, 1963. He had his horse entered to race and to be driven by his son. Before the race the horseowner said he was approached by several men inquiring about the condition of his horse. The owner said that during the running of the race it was apparent that the field was not kept closed up and his horse was permitted to lead the pack unchallenged, and his horse won the race.

Mr. RADDING. How did this race come to the attention of the USTA?

Mr. TRAYNOR. Through the complaint of this horseowner.

Mr. RADDING. He approached you?

Mr. TRAYNOR. Yes, sir.

Mr. RADDING. Did you then go to Sciota Downs?

Mr. TRAYNOR. No, sir; this was in January and the racing season

who will be chosen, they will control the Board of Directors. Also in August, Patriarca was told that they were talking about putting Frank Sinatra and ——— on the Board of Directors to "add some class" to the track.

On November 30, 1962, Patriarca told Kirk that he and Sol Friedman had a conference with Dario at Friedman's office concerning the stock of the Berkshire Downs Race Track. Patriarca was perturbed at Dario because Dario would not return Patriarca's Berkshire Downs stock until all bills had been paid by the corporation. Those outstanding debts amounted to $264,000. Patriarca stated that because of the agreement that was made with Dario he would lose everything in the event Dario dropped dead. Dario's reason for refusing to transfer the stock was that Campanella of Campanella & Cardi Construction Company, is being sued by an individual named McGuire for construction work at the Berkshire Downs Race Track. Campanella wants to be paid prior to the time Dario returns the stock to Patriarca. During the conversation, Kirk mentioned that Campanella, Dario, Cardi and a person believed to be "Coco" (probably Carmelo Coco, East Boston) put in $60,000 some time ago for financial assistance to the corporation. Patriarca was of the opinion that these individuals have pocketed between $50,000-$75,000 but Kirk attempted to explain to him that this money was used for paying additional bills; however, he could not convince Patriarca of this fact. There was mention of the sum of $75,000 that Patriarca furnished at one particular time. Kirk stated that he would see Dario and attempt to persuade him to transfer the stock to Patriarca.

On December 17, 1962 Patriarca told Kirk that he wanted to get his $50,000 out of the track which he put in through Saul Friedman. Patriarca at this point wanted to disassociate himself in the ownership of the track. There was mention of Sam Rizzo, President and general manager of the track, at which point Raymond Patriarca said, "I'll predict what's gonna happen to Sam, they'll find him in the Brookyn River." Patriarca described Rizzo as an alcoholic and apparently told him at one time that he, Raymond, would not furnish additional funds for the track. Joe Kirk mentioned that when Rizzo got the money from Frank Sinatra, the sum of which was believed to be $100,000, he put $50,000 in the bank and put $50,000 into stock of the track. It should be noted that Raymond Patriarca, at the outset of the conversation, indicated that he wanted to dispose of his holdings in the track, but changed his mind during the latter part of the conversation, and he pointed out that if he held onto his holdings in the track they would be of much greater value in one or two years.

In early January 1963 Patriarca stated that he was having his headaches with the Hancock Race Track but that he hopes to get ten percent on his investment of $50,000. There was mention of Tommy's end (reference to Lucchese). Patriarca said that they have to come up with $285,000 in show money. During the conversation he said that he had previously given a judge $20,000 to lift the restrictions so the track could operate.

On March 1, 1963 Patriarca told another man that he figured that he is "OK" in the Hancock Raceway because Dario has control over everything. Patriarca made the remark that ——— "is holding up like a (obscene)." Patriarca is of the opinion that they will make money in the long run and that if it was not for the recent publicity caused by the civil suit they would have obtained the additional racing days and thus the stock of Hancock Raceway would be more valuable.

On June 11, 1963 Patriarca told an associate of his by the name of Nicky, that he was going to New York in a week or ten days to meet with Tommy Lucchese concerning Berkshire Downs. While in New York Patriarca also intended to see Tommy Ryan (Eboli) in an attempt to effect a "peace" between the New York families.

On January 3, 1963 Patriarca blamed the others for not keeping their mouths shut which resulted in his loss of $215,000 in Berkshire Downs. Patriarca instructed Kirk to tell B. A. Dario, pres. of Lincoln Downs Race Track, to tell Sportservice to "OK" an additional mortgage for $215,000 which money would be repaid to Patriarca. Sportservice already had a large mortgage on the track.

On January 8, 1964, Joe Kirk discussed the race track with Patriarca. It appears that Judge Barry of western Massachusetts indicates that he desires to take over the track but will not do so until he is assured by Patriarca that there will be no pressure on him from other individuals. Patriarca assured Kirk that he and Tommy Brown (firm name, Lucchese) of New York would go along with Judge Barry and not exert any pressure whatsoever. It appears that Sam Rizzo, former general manager of the track, also desires to take over the track. Patriarca prefers



On February 7, 1964 Joe Modica of Boston told Patriarca that he had obtained a phony mortgage with George Kattar of the Community Finance Company of Lowell, Mass., for a man named Vivino, who needed it to purchase the Berkshire Downs Race Track in December, 1963. Patriarca told him that he should not trust Salvatore Rizzo, former owner of the track. Rizzo was attempting to interest Modica in purchasing one-half interest in the Berkshire Downs Race Track and desires to meet Modica in the near future. Modica knew that Tommy Lucchese of New York was financially interested in this track. Patriarca issued instructions that when Modica meets Rizzo, Patriarca wants to be there. Patriarca also indicated that Lucchese should be there and made arrangement for Lucchese to contact him through Friedman, who would arrange a room at the Old Colony Motel outside of Rhode Island for the meeting.

Patriarca said that he has lost $900,000 in the Berkshire Downs Race Track Venture, and that B. A. Dario has a note from Rizzo which will expire in 30 days. If the note is not paid off Dario will own the track.

On May 18, 1964 Kirk told Patriarca that he had not heard from Sam Rizzo in quite some time. According to Kirk, Dario has a couple of more weeks to go at Berkshire Downs and he is hopeful of obtaining some money from the present racing meeting. Patriarca pointed out that he did not want to hear of Berkshire Downs again because every time he talks about it, he gets sick at the amount of money that he has lost, "not only for himself, but for his friends." Patriarca would be much happier if he could arrange to return the investment of "Doc" Sagansky in this track, but it will probably be ten years before this can be done. He pointed out that the next time he enters into a venture like this he would not listen to anyone else but "leave it to his own brains," so said if he does lose money, he will not feel so bad. He became very angry and stated that he's thinking of taking the little guy and throwing him in the lock and seal and find out what happened at this track. According to Kirk, ——— of Rockingham Park gave ——— of the Massachusetts House, a payoff of $40,000 to have additional racing dates for Berkshire Downs voted down. ——— Green Mountain Track is very close to Berkshire Downs and ——— did not want additional racing dates in that vicinity.

Kirk was present with Sam Rizzo several months ago when he offered ——— Massachusetts Senate, a bribe of $25,000 to obtain these dates. He feels that ——— offer of $40,000 to ——— was the reason that ——— did not accept the $25,000 offer.

Chairman PEPPER. Call the first witness.

Mr. PHILLIPS. The first witness today, Mr. Chairman, is Mr. B. A. Dario.

## STATEMENT OF B. A. DARIO, RHODE ISLAND RACETRACK OWNER, ACCOMPANIED BY LEONARD DECOF, COUNSEL

(Having been duly sworn by the chairman)

Chairman PEPPER. Have a seat, please.

Are you accompanied by counsel, Mr. Dario?

Mr. DECOF. Yes. I am counsel for Mr. Dario.

Chairman PEPPER. Will you give your name and address and the bar to which you belong?

Mr. DECOF. Yes. My name is Leonard Decof, 1122 Industrial Bank Building, Providence, R.I. Member of the bar of the State of Rhode Island.

Chairman PEPPER. Mr. Counsel, we are pleased to have you here.

Have you examined the rules of this committee with respect to the role of counsel in respect to a witness appearing before this committee?

Mr. DECOF. Yes, I have, sir.

Chairman PEPPER. You will, of course, observe the rules and regulations and advise your client at his request, according to your pleasure.

Mr. DECOF. I shall do that, sir.

# ORGANIZED CRIME IN SPORTS (RACING)

## HEARINGS

BEFORE THE

United States Congress House.

SELECT COMMITTEE ON CRIME.

HOUSE OF REPRESENTATIVES

NINETY-SECOND CONGRESS

SECOND SESSION

MAY 9-11, 15-18, 22-25, 30, 31; JUNE 1, 7, 13-15; JULY 18-20, 25-27, 1972

WASHINGTON, D.C.

PART 2 OF 4 PARTS

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# ORGANIZED CRIME IN SPORTS

## (RACING)

WEDNESDAY, MAY 24, 1978

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON CRIME,
*Washington, D.C.*

The committee met, pursuant to notice, at 1:35 p.m., in room 345, Cannon House Office Building, Hon. Claude Pepper (chairman) presiding.

Present: Representatives Pepper, Waldie, Brasco, Mann, Murphy, Wiggins, Steiger, Winn, Sandman, and Keating.

Also present: Joseph A. Phillips, chief counsel; Michael W. Blommer, associate chief counsel; Chris Nolde, associate counsel; Andrew Radding, assistant counsel; and Leroy Bedell, hearings officer.

Chairman PEPPER. The committee will come to order, please.

The next witness in our inquiry into organized crime's influence on professional sports will be Mr. Joseph Barboza, who is also known as Joe Baron. Mr. Barboza was at one time a leading member of the Patriarca mob in Rhode Island and Massachusetts.

As a result of the killing of a number of his friends and associates, Mr. Barboza broke with the mob and testified against a number of racketeers.

As a result of his testimony, four men have been convicted of murder in the first degree and have been sentenced to death. In the course of his association with the mob, Mr. Barboza was reported to be the most feared rackets enforcer in New England.

We are pleased to have Mr. Barboza with us. Will you ask the marshals to bring in Mr. Barboza, please.

Mr. Barboza, will you please raise your right hand to be sworn.

**STATEMENT OF JOSEPH (THE BARON) BARBOZA, SYNDICATE CRIME ENFORCER; PRESENTLY IN PROTECTIVE CUSTODY, U.S. GOVERNMENT**

(Having been duly sworn by the chairman)

Chairman PEPPER. Associate Counsel Chris Nolde will inquire of the witness, please.

Mr. NOLDE. Mr. Barboza, will you please describe your first connection with the New England mob, allegedly run by Raymond Patriarca.

Mr. BARBOZA. It was around 1962, when I bundled a man that was running for the bakers' union in Boston, the A. & P. section. I was given a thousand-dollar contract on him, to bundle him. We got him

during the hurricane, everybody was off the street, and we hit him with sash weights.

A Greek man, we popped his roots in, dislocated his shoulder blade, gave him 16 stitches in his knee, and he got thumped about the head with a sash weight from a window. It was about 20-pound lead weight.

I originally got this from Leo Schwartz, who got it from Peter Lemoine, who was the right-hand man of Jerry Angiulo.

So I refused the $1,000 that was offered to me when it was over. It subsequently led to about $70,000, by refusing that thousand dollars, through other channels.

At the time I was shylocking, I was fighting professionally, and I was shylocking out of a known station and I was an independent operator at that time.

Mr. NOLDE. Could you tell us when you first became involved with Mr. Patriarca, your first connections with them?

Mr. BARBOZA. Well, a couple of people got wiped out and Mr. Patriarca was interested in meeting me because of the fact a couple of people got wiped out.

I went to Rhode Island and met him. I had been on friendly terms with Henry Tameilo. I met Henry Tameilo because of an incident that occurred down at Ebb Tide, where my partner, who was Guy Frizzi, his brother got beat up down at Ebb Tide by the Ventola brothers. I went down to Arthur's Farm in Revere and I got to talking with one of the Ventola brothers and beat him up with a bat. The "office" which I referred to is Raymond Patriarca's family in New England, the office had walked into the Ebb Tide, in the way of 20 percent, by protecting the place.

So that he got beaten up at Arthur's Farm with the bat, Veroni Cassisco called me up and asked me if I would forget about the incident. I said, "I am only here in the way of *strength*." I said that me and Frizzi got hit down at the Ebb Tide. Guy Frizzi is my partner and Carmie Frizzi is hooked up with the office, so that they will speak. I said, again I reiterated the fact I was merely there on a show of strength. I said that Louie Greco and Carmie Frizzi were down on Shirley Avenue in Swanson's Delicatessen talking to Henry Tamelio in regards to making peace over the incident.

So Carmie Frizzi came back and said that the beef was all straightened out, and Henry Tamello wanted to meet me down at Ebb Tide, wanted to speak to me. So I went down there.

He said that this was the hazard of having "squares" and "wanz" people brought into their business, and so forth, that they moved on, they brought their protection, and so forth, that once they got their strength, they started talking out the side of their mouths.

So he said that this would never happen again. So in the meantime, when I hit Arthur Ventola with the bat, Julian Ventola had took off for 3 weeks and was hiding in Florida. He didn't know that arrangements had been made between Henry Tamello and I, and that during that 3 weeks, Henry Tamello and I became very friendly and had been going down to the Ebb Tide every night.

Now, when Julian Ventola came back 3 weeks later, he saw me walk in the place and got to Henry Tamello and he said he wanted me out of there.



So I told them again, you are insulting the guy, I was promised I would never be insulted again. He still said, "It doesn't make no difference, I want you out of here."

I said, "Let's go in the back kitchen and talk."

We went in the back kitchen and he started to running his mouth again and he stuck his hands in his pocket fast. When I saw he stuck his hand in his pocket fast, I stuck a pistol at his throat, under his neck.

I asked, "What you got in your pocket? Bring it out slow." And he had a roll of dimes.

Richard Castucci, his nephew, who was actually the brains behind the Ebb Tide, came in and had a conniption over the fact, when he walked in and saw the pistol on his uncle's neck, and told me it was going to be straightened out. Stated very highly emotional, and he said he was going to straighten it out.

So they bought Julian Ventola out his 20 percent, and they bought his brother Arthur's out, which was another 20 percent.

Now, the aunt was inside the place, also. She had 20 percent. I had an argument with her a few weeks later over an incident at the Cove, and I chased her out of there. So now the office had 50 percent of the Ebb Tide with Richard Castucci.

During the course of that time, a lot of jockeys from the racetrack, Suffolk Downs, used to go inside the Ebb Tide. They were wined and dined, given the best girls in the place, and so forth, and they didn't have to pay in advance. They had a tab there. They spent freely.

Mr. PHILLIPS. Mr. Barboza, perhaps before you go to that subject matter, we might be able to clarify to some degree the initial incident at the Ebb Tide, which began your association, I take it, with Mr. Tamello. Could you just stop there? Who is Mr. Tamello?

Mr. BARBOZA. Mr. Tamello is currently waiting for the electric chair in Walpole State Prison. He is Raymond Patriarca's right-hand man. The guy is more or less public relations for Raymond Patriarca, smooth talker, the man that has a father image, very sharp minded man, a tremendous personality.

Mr. PHILLIPS. He is your real first association with the Patriarca mob; is that correct?

Mr. BARBOZA. My first association with the Patriarca mob? Actually, no. My first association with the Patriarca mob was with Pete Lemoine, who was the right-hand man of Jerry Angiulo, who represents Raymond Patriarca in Boston.

Mr. PHILLIPS. So your first association was the Boston mob, was with Angiulo and Lemoine?

Mr. BARBOZA. With Lemoine——

Mr. PHILLIPS. And that was the contract that involved a labor official.

Mr. BARBOZA. A man that was running for the bakers' union.

Mr. PHILLIPS. What did they want to do to him?

Mr. BARBOZA. They didn't want him to run, so that they wanted him bundled.

Mr. PHILLIPS. They wanted you to beat him up.

Mr. BARBOZA. Beat up.

Mr. PHILLIPS. I think you described a pretty thorough job of beating him up.

Mr. BARBOZA. Right.

Mr. PHILLIPS. Would you just briefly redescribe that for us; what you did to this man for the mob?

Mr. BARBOZA. Right. When we pulled up to his house, we had a hot car, and I got out, I met with another fellow.

We both had sash weights in our hands. I hit him up side the head and he staggered up against the car and ran out in the middle of the street. We chased him. And the other guy started beating him on the shoulder and I started beating him on the knees and wrists. And we left him in a heap, a bloody heap in the middle of the street, and took off in the hot car. I saw Leo Schwartz—Leo Schwartz had a bookie joint on Massachusetts Avenue.

Mr. PHILLIPS. Leo Schwartz is also a racketeer?

Mr. BARBOZA. Yes. I went with him down the cellar and he wanted to give me a thousand dollars and I refused it. I said, "You done me a lot of favors," so that, you know, "I am doing you this in return as a favor."

And he tried to press the thousand dollars, saying it wasn't his money, and I should accept it. And I said, "I don't want it."

He was very touched and very pleased over the fact I wouldn't accept the money.

Mr. PHILLIPS. You say that helped to make your relationship with the mob?

Mr. BARBOZA. Yes. Through Leo Schwartz I made about $70,000 in the future because of refusing the thousand dollars.

Mr. PHILLIPS. In other words, you became a solid guy for them and they could rely on you and would give you other jobs and other work in the future; is that correct?

Mr. BARBOZA. Right.

Mr. PHILLIPS. The Ebb Tide incident: You say the mob owned the Ebb Tide and they had it cut up five ways?

Mr. BARBOZA. No. Richard Castucci, who came up with the Ebb Tide, had 20 percent.

Mr. PHILLIPS. He is a Boston racketeer and a bookmaker?

Mr. BARBOZA. Right. Shylocking, horse tracks, he has horses of his own.

He had 20 percent, his uncle Arthur Ventola, had 20 percent, his Uncle Richie Ventola had 20 percent, and his aunt had 20 percent. And they had the office coming there to protect the joint, and gave them 20 percent for nothing.

Mr. PHILLIPS. You say the office was in there to protect the joint. What do you mean by that?

Mr. BARBOZA. Well, word would be let out that the office was in on the place and that you couldn't get in any fights inside the place. You had to keep peace in there. And if a guy said he didn't know this and got in a fight in there, he was warned once. If he got in trouble the second time he was beat up pretty thoroughly and never allowed in there.

Mr. PHILLIPS. This was a protection for any type of disruption that might occur in the Ebb Tide?



Mr. BARBOZA. Right.

Mr. PHILLIPS. And for that particular protection, the office you described got 20 percent?

Mr. BARBOZA. Right.

Mr. BRASCO. Who is the "office"?

Mr. BARBOZA. The office is Raymond Patriarca—Cosa Nostra—Mafia—whatever you call it. Syndicate. He runs all of New England; Raymond Patriarca. And that is the office.

Mr. PHILLIPS. You were telling Mr. Nolde, essentially, that some incident occurred in that particular bar. Is that correct?

Mr. BARBOZA. In regard to jockeys?

Mr. PHILLIPS. No, Mr. Nolde is going to question you about that. I want to ask, before you get on to that, if some incidents occurred to one of your partners.

Mr. BARBOZA. Right.

Mr. PHILLIPS. He was muscled in the bar?

Mr. BARBOZA. He was punched in the bar.

Mr. PHILLIPS. And that is disrespectfully, I take it?

Mr. BARBOZA. My main concern was the fact, in the way of being disrespectful, was the fact Carmie Frizzi was a part of the office. These other people took nothing but buzzards, that bought their strength, so that because they bought their strength, now they could talk out the side of their mouth. Otherwise, if they didn't have this strength, they would be nothing but buzzards.

Mr. PHILLIPS. You are using the term "buzzards."

Mr. BARBOZA. Yes, buzzards.

Mr. PHILLIPS. They were lightweights?

Mr. BARBOZA. Right.

Mr. PHILLIPS. And they had bought their strength and you didn't like them muscling this friend of yours?

Mr. BARBOZA. Right. My partner. His family was my family as far as anybody bothering him.

Mr. PHILLIPS. You decided you wanted to redress that grievance?

Mr. BARBOZA. Yes, sir.

Mr. PHILLIPS. What did you do about it?

Mr. BARBOZA. I beat up Arthur Ventola with a bat. I wiped him across his face, but his hands were there, he ducked, and I hit his hands. And then I thumped him across his back a couple of times and the last one I gave him across the back of his head.

He started crying that it was his brother. I said, "You're a big tough man, you give up your brother. Would you give up your mother?"

So that anyway, we left there. We were looking for Julian Ventola. He was hiding with a girl, with a pistol in the house. We didn't know where he was. We found out later he went down to Florida for 3 weeks.

Mr. PHILLIPS. In other words, in addition to beating the guy with the baseball bat, you also went after the other fellow?

Mr. BARBOZA. He was the main one, the one who threw the punch, Julian Ventola.

Mr. PHILLIPS. The first one you beat up was by mistake?

Mr. BARBOZA. No; it wasn't a mistake. He had it coming.

Mr. PHILLIPS. In any event, Julian got away before you could get your hands on him, and went to Florida?

Mr. BARBOZA. Yes.

Mr. PHILLIPS. Apparently someone wanted to make peace?

Mr. BARBOZA. Henry Tamello.

Mr. PHILLIPS. And they contacted you and said they wanted to make peace; correct?

Mr. BARBOZA. Yes.

Mr. PHILLIPS. What did Henry Tamello say to you about making peace?

Mr. BARBOZA. He didn't say it to me, Ronnie Cascisco called me and said Henry Tamello sent him.

Mr. PHILLIPS. Who is Ronnie Cascisco?

Mr. BARBOZA. He worked at the time for Joe Anschuo, Joe Burns, who ran out of Chester, bookmaking activities. He was part of Raymond Patriarca's family. So that Ronnie Cascisco worked for him.

And he called me up. I had known Ronnie Cascisco very casually at the time he was partners with Romeo Martin, and I met Henry Tamello once before that in June, at a wake. This Tony Brasco got shot in the back of the head, and Henry Tamello came to the wake with Pete Lemoine, Joe Russo, and Jackson, and I was introduced to them. So that was my first time meeting Henry Tamello.

Mr. BRASCO. The delegate, or officer of the Bankers' Union, and this Ventola. Did they survive the beatings?

Mr. BARBOZA. Oh, yes.

Mr. BRASCO. And the $70,000 you made through Leo Schwartz?

Mr. BARBOZA. Leo Schwartz.

Mr. BRASCO. Okay. That $70,000 you made, was that for bonding people, also?

Mr. BARBOZA. No. Primarily shylocking and shakedown and so forth.

Mr. BRASCO. Thank you.

Mr. PHILLIPS. In any event, you and Henry Tamello made peace; is that correct?

Mr. BARBOZA. Yes.

Mr. PHILLIPS. And you told them that peace was going to be made?

Mr. BARBOZA. Yes.

Mr. PHILLIPS. As a result of this peace, Mr. Tamello had a high regard for you and you became more intimate with Tamello?

Mr. BARBOZA. Both of us had a high regard for each other; yes.

Mr. PHILLIPS. No other questions at this time. Thank you.

Mr. NOLDE. You mentioned shylocking or loan sharking. Would you describe the shylocking or loan sharking operation?

Mr. BARBOZA. Yes. I would take a hundred dollars and give it to a person and he would pay me $5 a week interest on this $100 that I would give him. In other words, I would say, "Give me $105 back next week." And the person would say, "Here's $5, I want to carry the $100 over till next week." As long as he paid that $5 interest every week, he could hold on to that hundred dollars. Some guys hold on to it maybe 3 or 4 years and just pay $5, and $10 on $200, $15 on $300, $25 on $500, $50 on a thousand.

So that I, in one year's time, with $2,000, I turned $2,000 into $25,000.

And a couple of years later I had $5,500 coming in every week in the way of interest.



Mr. NOLDE. How much money did you have on the street at that point?

Mr. BARBOZA. I had about $70,000.

Mr. NOLDE. And you were getting a return on it every week?

Mr. BARBOZA. Of $5,500 a week.

Mr. NOLDE. How many men did you have working for you by that time?

Mr. BARBOZA. I had a partner and then I had four other guys working for me. I had one of them, I gave money to start a shylock out of Potts Square, the Statler-Hilton Hotel section, and he was working for me. I had two men with me all of the time, and there was another man with me occasionally.

Mr. NOLDE. Did there come a time when you become involved with some jockeys through this shylocking operation?

Mr. BARBOZA. Yes. There was one guy by the name of Marshall Wilder. He was introduced to me by Roy French. He built his loan up to $1,500.

Mr. NOLDE. What did he owe you?

Mr. BARBOZA. He owed me $1,500. There was standard dues on it, $75 a week. He came 8, 9, roughly about 8 or 9 weeks late, and I started to pressure him. I said if he didn't come up with all of it next week, his back interest, he was going to get beaten.

Mr. NOLDE. Where did you put the pressure on him?

Mr. BARBOZA. I was down at Bennington and Brooks Streets' East Bar. Later on that night he was down at the Ebb Tide, and I was down at the Ebb Tide with Henry Tamello. Henry Tamello had heard from him that I was pressuring him for the money, so Henry Tamello called him over to the table and said he was going to pay the debt. And Tamello paid off $1,700.

Actually, it was more than that, it was about $400 he was in arrears, so I told Henry I would take just half of what he was in arrears. So Henry paid the $200 interest and the original $1,500.

Henry later on told me that night he got him, that the man agreed, to start pulling horses for him, as far as pulling horses that he was running.

Mr. NOLDE. He was then a currently active jockey at that time?

Mr. BARBOZA. Pardon?

Mr. NOLDE. He was currently then an active jockey?

Mr. BARBOZA. Yes.

Mr. NOLDE. Were there other jockeys you put pressure on?

Mr. BARBOZA. Yes. Jockeys that were Puerto Ricans, Argentineans, and, you know, they all look the same to me, they are little and have long hair. I don't know of any—but one of them particularly that Henry told me to grab, he said the guy owed a $1,500 tab in the Ebb Tide. He owed it to Richard Castucci. He said, "Bring him in and start to pressure him. Bring him in the cloakroom and start to pressure him and I will come in there and I will stop you. Don't hurt him, but just really come on strong."

So I went in there and said, "You owe $1,500," you know, "to the Ebb Tide, Richard Castucci. How come you haven't paid him? You may be a good strong guy, you know, you have all kinds of publicity, you think you are a bad man as far as riding horses," and so forth. "Everybody caters to you but I am not catering to you."

I pulled out a knife and put it at his throat and said I was going to slice it. And Henry came in and said, "What's this? What's going on?"

Henry says, "Get away from him. He's a good kid. Are you crazy?" I said, "He owes Richard Castucci $1,500 and he hasn't paid."

Henry Tamello says, "I want to pay for him. I am telling you, don't bother this kid any more. He can do anything he wants in here. I want to cover his tab, pay his tab," and so forth.

I walked out of the cloakroom. Henry Tamello stayed there with the jockey maybe 15-20 minutes, and he came out, and he had a jockey that was going to pull horses for him.

Mr. NOLDE. Those jockeys were then considered in the bag, for fixing races.

Mr. BARBOZA. Right.

Mr. NOLDE. Were there other racketeers you saw at the Ebb Tide?

Mr. BARBOZA. Many, many.

Mr. NOLDE. Could you name a few?

Mr. BARBOZA. Oh, there was Louis Greco, Veroni Cascisco, Romeo Martin, Peter Lemoine, Frankie Arita, Joe Russo, Jackson. They all passed through there.

Mr. NOLDE. Was it a place where the mob generally hung out?

Mr. BARBOZA. Right. They would come down and see Henry Tamello and talk business over.

Mr. NOLDE. And who was Richard Castucci?

Mr. BARBOZA. Richard Castucci is a gambler. He has horses of his own. He had one horse I know, Stars and Stripes, and he had a lot to do with the racetrack.

They had another fellow down there by the name of Bobby Cadello that eventually I went to the track with. Through this relationship that they built up with the jockeys, we went near the paddock, and if a jockey walked by, Bobby Cadello climbed underneath the fence and went with the jockey. I had seen the syringe that Bobby Cadello had, and once he went inside one of the stalls and stuck a horse with the needle and slowed the horse down that was a favorite. The habit was to slow down three or four favorites and bet on the long shots.

Mr. NOLDE. You saw this happened often?

Mr. BARBOZA. Yes.

Mr. NOLDE. Where was it?

Mr. BARBOZA. Suffolk Downs.

Mr. NOLDE. Near Boston?

Mr. BARBOZA. Yes, in Revere, near Boston.

Mr. NOLDE. Were there other sports figures that you saw at the Ebb Tide?

Mr. BARBOZA. I was sitting at a table one time when Gene Conley, who was then playing for the Celtics, and Babe Parilli, he was playing pro football. He came in and I was introduced to him, Babe Parilli. And I said, "They talk about you being little," you know. I said, "You look pretty big to me." And he said, "For football I am small," you know. And he laughed.

And Henry Tamello got up from the table and said, "Excuse me." Babe Parilli and Gene Conley went in the back, went in the cloakroom, into an office in back of the cloakroom. And in that office, they went



into another door, which was off the office. And they stayed in there about 45 minutes. And when Henry Tamello came out he said, "Take the Lakers with four points."

Mr. NOLDE. Against the Celtics?

Mr. BARBOZA. Which was the next day, they were supposed to play them. And if you took the four points, you won.

Mr. NOLDE. Did you?

Mr. BARBOZA. Right. For $100.

Mr. NOLDE. When was this?

Mr. BARBOZA. This was the end of 1964, first part of 1965.

Mr. NOLDE. Could you tell me about Arthur's Farm? What was Arthur's Farm?

Mr. BARBOZA. Arthur's Farm was on the Lagrafle Highway, in Revere. It was a vegetable store. Primarily a vegetable store. He also had clothes in there that were hot clothes.

Mr. NOLDE. What kind of people went there?

Mr. BARBOZA. Henry Tamello hung out a lot when he wasn't at the Ebb Tide, and conducted a lot of business in there with a lot of racket guys he would meet with there. I was there one time when Bob Cousy from the Celtics came in, and Babe Parilli came in, and Gene Conley came there, and went in back of the vegetable store, in the clothes section, and they would talk there.

Mr. NOLDE. Did there come a time when you did some strong-arm work for B. A. Dario?

Mr. BARBOZA. Pardon me?

Mr. NOLDE. Did you ever do any work for B. A. Dario?

Mr. BARBOZA. B. A. Dario?

Mr. NOLDE. Mickey Rocco?

Mr. BARBOZA. Mickey Cosbach. No. These cars that would belong to Dario Ford, if I am not mistaken, and Ronnie Cascisco was real friendly with New York guys, and Mickey Cosbach went into Dario Ford, and there were cars that were overdue on payments and so forth, that we repossessed a few of them, you know.

Mr. NOLDE. Did you do some of the repossession work, yourself?

Mr. BARBOZA. Yes. With Ronnie Cascisco.

Mr. NOLDE. Did you go out and put the pressure on some of the people?

Mr. BARBOZA. Yes.

Mr. NOLDE. I understand Mr. Dario is involved in racing in New England, owned a track up there?

Mr. BARBOZA. I am not a gambler. In other words, I don't know that much about gambling. Probably Mr. Dario does, but I don't know it.

Mr. NOLDE. Did there come a time when you turned against the mob?

Mr. BARBOZA. Oh, yes.

Mr. NOLDE. Could you describe how that came about?

Mr. BARBOZA. I was at an area called the Combat Zone in Boston, which is Washington Street. And we were driving down the street, Tash Bradzo, Mickey Fanio, and Patsy Fabioni.

A car started to follow us, which I knew was a law car. And as we were going to make a right turn, I wait for them, and they still followed us and they stopped the car.

When they stopped the car, they asked us our names. I said, "You know who I am." I said, "Look," I said, "I just got shook down in the

Intermission by 'Knuckles' Donovan," I said "12 o'clock tonight," I said. And also, "Early in the afternoon, at 2 o'clock, I got shook down by the State police in Boston."

I said, "My lawyer, Attorney Ferrezzi, wants me now to have you guys take me down to the station and book me or bring me down to the station and let me go from there. He wants it as a matter of record."

I said, "I am not giving you my name." Tash Bradzo refused to give his name, Mickey Fenio refused to give the same, and Patsy Fabioni refused to give the name.

So when the officer asked for the driver's license, which belonged to Patsy Fabioni, who was driving, I said, "Don't give it to him." And he said, "Give it to him." I said, "No, you don't give it to them." And he said, "I'm arresting him."

I said, "For what?" He said, "Suspicion of carrying a firearm." I said, "Is there such a law, suspicion of carrying a firearm?" And he says, "Yes." He says, "I make it a law."

So we went down to the station. Going down to the station, Bradzo said, "I have a .45 in the glove compartment." And I said, "They are going to find a way to put that in my hand," you know, and I said, "But that's your car, Tash. We are not in trouble."

I said, "We have every opportunity to get rid of it," because I knew addresses that I had on me from Chicago and Florida, and I got rid of a couple of other things. And Tash completely forgot about the .45 in the glove compartment.

So when we get down to the station house, the law has a conniption, told me they found—he whispered in my ear, "They found a gun in the glove compartment."

I said, "I don't know nothing about it." So, in the meantime, I called my attorney, and the attorney said, "Either book them or let them go."

Then we had to go upstairs to get fingerprinted. In the meantime, a detective by the name of Bobby Cisco had opened up the car door with a spoon, and found the gun in the glove compartment, brought it to the headquarters, and said to the policeman in charge, Mr. Molette, that they found a .45 in the glove compartment.

He said, "Bring it back and get a search warrant." They didn't have time to get a search warrant because Tash Bradzo called Ferrezzi again, and Ferrezzi said, "Book them or let them go."

So, Molette said, finally, "We charge you with carrying a firearm."

Mr. NOLDE. Could you just tell us if a little while before that you were involved in many jobs with the mob. Could you tell us about some of those? Particularly, the one about the football cards.

Mr. BARBOZA. I would like to get something clear, first. I have different cases that I have been willing to work with the Government for years on that they never tried. Until that time, there are certain cases I can't talk about now. As far as—I can talk about why a guy got killed, but yet I can't mention on certain cases who did it, because——

Mr. NOLDE. Just tell us about the ones you can tell us about.

Mr. BARBOZA. Well, there was Teddy Degan. Primarily, the reason why he got wiped out was he robbed $82,000 out of a bookmaker's house, by the name of Don Popalo. And also, he killed another fellow by the name of Saccomanio, an Italian, and he pulled a gun down at Ebb Tide.



So, that when Peter Lemoine placed me on it, he offered me $7,500 to take the contract on Teddy Degan. And so, I set up the whole deal, and got Louie Grecco and Roy French to set it up, who was partners and real friendly with Degan. He set them up, and Ronnie Cascisco was in on it, Joe Lobo, whose name was Joe Sevalli, and Peter Lemoine was the one who gave me the contract, and I got the OK from Henry Tameleo, who subsequently got all of the final OK's from Raymond Patriarca.

So Roy French finally said that he was going to pull a score with Degan and another fellow by the name of Satopolous. So I went to Peter Lemoine and told him about Satopolous being there. He offered another $2,500 for Satopolous' death, and Tamello also confirmed that, because he was there when the gun was pulled and had been with Degan regular.

So the back door of a finance company was going to be left open. Roy French and Degan had to walk into the back of this alley where the door was. Satopolous was going to be in our car outside. Inside the doorway was Romeo Martin. In the alley was Louie Grecco, and in walked Roy French.

I was across Broadway on the same street that Satopolous was parked on, in a car with Joe Sevalli, and Ronnie Cascisco with a bullet-proof vest on.

As we walked in the alley, we were supposed to get out of the car and run across Broadway and stand on the corner. As soon as we heard the first shot—I had a .357 magnum and Ronnie did—and Ronnie was going to stay behind me in case Satopolous had a gun and we were going to kill Satopolous. But a police officer, who was in plain clothes, spotted our car with a number plate bent in the back and front when I pulled out. They did a dive, Roy French and Degan. Roy French was very concerned about getting caught in the cross-fire, so he shot Degan in the head first. Louie Grecco opened up, and Martin came out and started firing, and the last potent shot Degan got was when Ronnie bent over and gave him one in the head.

I later on testified on this case, and Peter Lemoine, Henry Tamello, Ronnie Cascisco, and Grecco were given death sentences. Roy French and Joe Sevalli were given life terms in Walpole State Prison.

Mr. PHILLIPS. Before you go on, I think Mr. Nolde asked you how it came that you broke with the mob, and I think that you didn't get a full opportunity to answer that. Apparently you were telling us about an arrest, where you were seized with a gun, and you claimed that wasn't such a great arrest. But in any event, you were arrested. Were you held on high bail?

Mr. BARBOZA. I was held on $100,000 bail for being present where a gun was found.

Mr. PHILLIPS. At that time, did the office move on you?

Mr. BARBOZA. Well, while I was in Charles Street Jail with Mickey Fanio, Tash Bradzo had been released and Fabioni had been released. The gang that I travel with went out and secured bail money for me. Corey, who was a bondsman in Boston, and the Baker brothers, who were also bondsmen, the two biggest bondsmen in Boston, they had pressure on them and they weren't allowed to bail me out.

Mr. PHILLIPS. The district attorney put pressure on these bondsmen not to bail you out because the district attorney thought you were a bad guy?

Mr. BARBOZA. Yes. What they would do, they had outstanding bails that were forfeited, that were not called in by the D.A.'s office. So if the bondsmen bailed me out, the D.A. would call in these forfeited bonds, and it amounted to over $100,000. This was almost lost money.

Mr. PHILLIPS. This was staged after—I think there were close to 40 gangland killings in this area?

Mr. BARBOZA. More than that.

Mr. PHILLIPS. More than 40 people in a war which we will talk about slightly later. In other words, the district attorney at that time thought you were involved in that war and you should not be out on bail if he could avoid it?

Mr. BARBOZA. Right.

Mr. PHILLIPS. In order for you to get out on bail, you had to put up $100,000 in cash?

Mr. BARBOZA. I had to put up $50,000 cash, $50,000 property, and $10,000 fee for the bail, with a man from New Jersey, bondsman from New Jersey.

A man from Connecticut was originally going to do it, and somebody from New York, and finally it was a man from New Jersey that was going to do it.

Mr. PHILLIPS. You are in jail at this time and the people associated with you, working with you and working in your loan-sharking operations and other operations, were out digging up bail money?

Mr. BARBOZA. Right.

Mr. PHILLIPS. What happened to them while they were digging up the bail money for you?

Mr. BARBOZA. The office had said, any part they don't come up with they will make up the difference.

Tash Bradzo and Tommy De Pascale walked into the Nite-Life on Atlantic Avenue, right around the corner from Hanover Street, North End——

Mr. PHILLIPS. Bradzo and De Pascale walked on your side?

Mr. BARBOZA. Tash Bradzo was my partner in the shylock business, and he brought Tommy De Pascale along with him in his car. Tommy De Pascale was known as a partner of mine in the gang itself, but not much other.

Mr. PHILLIPS. They had some money when they went to the Nite-Life? Your bail money, I take it?

Mr. BARBOZA. They had $82,000. Tash Bradzo had $70,000, and Tommy De Pascale had $12,000 in his pocket.

Mr. PHILLIPS. Could you tell us what happened in the Nite-Life that night?

Mr. BARBOZA. It took 12 brave Mafia figures to take care of two men. John—Joe Ansi, who was later on killed, and Billy Aiello, they were the last ones out of the Ebb Tide—they were out of——

Mr. PHILLIPS. Nite-Life?

Mr. BARBOZA. Nite-Life. About 25 minutes past 1 in the morning. And about 25 minutes of 2, Tash Bradzo and Tommy De Pascale were shot in the head, and Tommy De Pascale was booted and after he was dead was still kicked in the head for the things he done. He agitated people. Their bodies were stuffed into Tash Bradzo's car in the back and brought to South Boston and left there; where Wimpy Bennett, who is missing, but actually dead now, called up the law and told them to go to Nite-Life.



They found a man washing blood off the sidewalk and they went inside the Nite-Life and they saw Romeo. Romeo had been in one spot a long time, all of a sudden he was moved over and you could see the shadow from being moved over. When they took the mirror down, they found a bullet hole behind the mirror. They found bullet holes in the back, and they went down in the cellar and found a bloody carpet, and then they noticed the carpet in front of the lounge as newly laid. The person that they got for it was Ralphie Cheng, because he was the owner of the place. I guess they got him for accessory after the fact.

A certain policeman was given $25,000. It was reported to me by a law man that the district attorney reported to the FBI, this official got $25,000 from the Mafia to make sure that Ralphie Cheng got a low bail and 3 to 5 years for what he did, and to make sure I was put in the can, and that I didn't get released.

Mr. PHILLIPS. The two fellows that had your bail money were whacked out, as you call it?

Mr. BARBOZA. Right.

Mr. PHILLIPS. They were killed, shot in the head. Did the people who did that take the bail money or not?

Mr. BARBOZA. Yes.

Mr. PHILLIPS. The other people associated with the office, Patriarca——

Mr. BARBOZA. Tash Bradzo, Jerry Angiulo, $26,000. Jerry Angiulo was given the $26,000. Some money was sent to Raymond Patriarca, and they cut up the rest.

Mr. BRASCO. One thing, Mr. Barboza, that I didn't understand. You identified yourself as part of the office.

Mr. BARBOZA. Right.

Mr. BRASCO. And you have not said up to this point, you were in disrepute for any reason. So I assume, when you were locked up, and your partner and his associate were killed, either in or in front of the Nite-Life, having your bail money it their pockets, you were still part of the office, there was no break at that point? I am trying to find out why they killed these two men and took the money. Was it robbery, or something else?

Mr. BARBOZA. Larry Baroni had Tash Bradzo's brother killed, 12 to 15 years earlier. Tash Bradzo's brother just disappeared. He is buried in the Billerica Woods. Larry Baroni felt Tash Bradzo now had the strength to revenge his brother's death.

Tommy De Pascale pushed Sammy Berito in the face. When Sammy Berito, who was originally with the Purple Mob, Purple Gang, run the colliseum, the biggest after-hours joint in Boston, he told Tommy to take his hat off to him. An argument ensued, which Tommy pushed him in the face.

Now, Raymond Patriarca sat in Rhode Island and he created a situation of independent operators that would do everything for him, but nothing for his family members. Actually, it was just to show respect. If one of his family members wanted something done by these

independent operators, these independent operators would get the OK by Patriarca.

Mr. BRASCO. Not to interrupt you, but as I understand it, then, that Patriarca set up a system where he didn't put all of his eggs in one basket; correct?

Mr. BARBOZA. Right.

Mr. BRASCO. While there was a working operation between these independent operators, neither was beholden to the others in terms of following any directions from any other groups. They had the same amount of status with Patriarca, but apparently not with each other. Is that correct?

Mr. BARBOZA. There was 75 men.

Mr. BRASCO. There were 75?

Mr. BARBOZA. Thirty-seven men, a wheel man and hit man, that inside of a half an hour, 37 people, or the people in front of them they would kill and finish. Seven moves could be made in a half-hour in any part of the country, or any part of New England.

Mr. BRASCO. How many were in your group?

Mr. BARBOZA. Well, in my group, there was about 15; but I was connected with the Dearborn Square gang, the Winter Hill gang, and Ronnie Cascisso's gang, and so forth.

Mr. BRASCO. Can we go back to the point as to why these men were killed? Please finish that.

Mr. BARBOZA. Why what men were killed?

Mr. BRASCO. Your partners.

Mr. BARBOZA. Yes, sir.

They were killed because, as I said, Larry Baroni figured that Tash Bradzo now had the strength to revenge his brother's death. Tommy De Pascale had been insulting Larry Baroni and had pushed Sammy Berito in the face.

Now, with the Patriarca situation created, keeping us on the side to take care of any of his members in his operation, they feared us. So the Mafia is great for this, for getting the friend to kill another friend. Well, these 75 operators, you know, they were involved in a gang war and they wouldn't kill each other.

At the time, anyway. So that the office—not Patriarca—but the boss in the office was afraid of these independent operators. They were making moves that the office wasn't used to. They were killing people at bus stops, walking in their houses and killing them, walking in nightclubs and killing them. People were found in backs of trunks with their heads sawed off. People were found in suitcases, dissected. Guys were found floating in the river. There was a lot of hits in Boston and all different types of hits that put a lot of fear into these people that were connected with the office.

Mr. BRASCO. So out of all of this they decided to get rid of the two people that were associated with you; is that what you are saying?

Mr. BARBOZA. Well, the gang war at that time was practically decimated. One side was practically decimated.

Mr. BRASCO. But the killing of these two people who were friends of yours caused you to break with the office?

Mr. BARBOZA. I still waited. It was other things that happened afterwards that prompted me.

Mr. BRASCO. Go ahead.



Mr. STEIGER. Just one question. Were you an independent operator or were you made in a family?

Mr. BARBOZA. I never took that so-called blood oath, or whatever. But I was an enforcer that kept the enforcers in line.

Mr. STEIGER. Thank you.

Mr. PHILLIPS. You say there were other factors which led you to break with the office, as you put it?

Mr. BARBOZA. Right.

Mr. PHILLIPS. Was one of those other factors the fact that they bombed your attorney?

Mr. BARBOZA. Well, they blew up my attorney's car and he lost his leg. He lost his right leg, and he lost part of—chunks out of his left leg—and today he still picks pieces of steel that come out of his face and body.

Mr. PHILLIPS. Would you just tell us what happened? A bomb was placed in your attorney's car?

Mr. BARBOZA. Yes; originally my car.

Mr. PHILLIPS. It was your car and you gave it to your attorney as a fee?

Mr. BARBOZA. I gave it to him for a G-note. I gave it to him for a thousand dollars. He had an alarm on it. The trunk, the hood, the four doors were bugged, so that if you opened them a siren went off.

Mr. PHILLIPS. Did you have that for your own personal security?

Mr. BARBOZA. Yes. Yes, I did. When I gave him the car, he parked the car a couple of blocks away from his office, and later on, a garage truck pulled up, two men got out with white smocks and grease on their face. They were Stevie Flemmi, my partner, and Frank Salemo, my partner.

They went over to the car and they put two charges of dynamite inside the car. Allegedly—I can use "allegedly" now because it has been used on me—allegedly Frank Balillo was down the street in a car.

So that when Fitzgerald got in his car, the door was left ajar. It wasn't locked, but it wasn't open. It was just half locked. And he turned the key on and he saw the windows crack, shatter in front of him. He felt the tremendous pressure come up toward him and all of a sudden he was thrown out the car. In a matter of seconds, less than a second, another charge went off, much more greater than the first one. And it blew up the car entirely.

His right leg was amputated, and his left leg, chunks taken out of his left leg, and as I said, he is still picking pieces of steel out of his face and body today.

Mr. PHILLIPS. In addition to the lawyer and shooting up the fellows who worked with you, did they make a move on your wife or family?

Mr. BARBOZA. Crosby Sasafani, who is dead now, went down to my house in Swampscott, where I lived at that time, took off the back screen window, and they terrified the family there.

Mr. PHILLIPS. They terrified your family?

Mr. BARBOZA. Right.

Mr. PHILLIPS. Did they also have some type of racket going with nightclubs?

Mr. BARBOZA. Yes. Shook down the Living Room, shook down the Blue Bonnie, shook down Father's Mustache, and the Louis Room down at Revere, and shook down the Diplomat.

Mr. PHILLIPS. Would you tell us how a nightclub shakedown operates?

Mr. BARBOZA. Well, the Living Room, I walked in there and I had the "okay" to move against Peter Fermeri.

Mr. PHILLIPS. When you say you had the "okay" to move against somebody, who gives you the okay?

Mr. BARBOZA. Henry Tamello. See, Peter Fermeri used to run a crap game for the office years ago. And he started getting wise to the office, because he was making all kinds of money for the office, and the office was capitalizing on his ingenuity. So he said that he wanted to quit. He was going to give up the rackets. He gave up the rackets for a year, then went in on his own.

That got Jerry Angiulo very upset. And the office, itself, got very mad. So he was considered an outlaw.

Mr. PHILLIPS. He was an easy target for you; is that correct?

Mr. BARBOZA. Yes.

Mr. PHILLIPS. Would you tell the committee how you got into shaking down his operation?

Mr. BARBOZA. I went into the Living Room, and he had expanded it by making a partner of his, Pots Tetsi, who owned the joint next door, and he had another man by the name of Hopnett, a black man, who was a pimp. And he had his ace in the hole, which was he brought in another man from Cleveland, who was in with the racket guys in Cleveland. So he figured that by having this racket guy from Cleveland in with him, nobody was going to move in on him; the office would say, "No, don't bother him."

When I got the okay to move in on him, I went into the Living Room and I talked to him alone in the cloakroom. And I said, "Do you know the game of chess?" He said, "Yes," I said, "You are pretty good at chess," I said.

"You run a chess game with the office a few years back and won," you know, "and you went out on your own."

"Now," I said, "you got this Living Room, I am going to play chess again." I said, "There is one thing, that this game ends." I said, "Either you kill me or I am going to kill you if you don't do the right thing."

Well, at that time he called his son in and called in another person and he got very righteous and he started screaming and hollering. When he brought in these people in front of him, I said, "What are you, drunk?" I said, "You call me in off the street. You asked me about a person." And I said, "I don't know what you are talking about, and now you are coming on that I am trying to do something. I don't even know what you are talking about."

Because I didn't want him to have the witnesses in front of him while I talked to him. I said, "I'll see you later on, I have to go play some chess."

So 2 days later five guys walked in and threw chairs across his bar, broke all of the mirrors, hit a couple of people over the head with chairs, broke the bottles, and everything else.

Mr. PHILLIPS. He was more amenable to talking to you the second time, I take it?

Mr. BARBOZA. Well, what happened, he was more ready to talk with me and the man from Cleveland came in and talked with Henry Tamello, and Henry Tamello said,



Mind your business, nobody is moving against you, your end is taken care of. Your end is going to be taken care of.

Mr. PHILLIPS. He reached out for his source in Cleveland to try to settle his problem?

Mr. BARBOZA. Right. And Tamello said,

Fermeri is a weasel. If you get in trouble out in Cleveland, those people that are moving against Fermeri are going to come out to Cleveland to help you. Fermeri isn't going to do nothing for you, in fact he is using you. He brought you in on this, figuring the office wouldn't move against him because you are in on it." He told the guy, "Just mind your business, your end is going to be taken care of. These people are moving against Fermeri.

So the man from Cleveland went to Fermeri and said it couldn't be straightened out, "These guys got the okay to move against you completely." Pots Tetsi, who put in $20,000, wanted his $20,000 back. And the pimp, I don't know what he wanted.

Mr. PHILLIPS. Eventually you obtained some money from this?

Mr. BARBOZA. Yes. Henry Tamello said to me, "What do you want?" I said, "I want $7,500 as a lump and a piece of the show. I want $200 a week from the joint."

Henry Tamello spoke to him and then I got busted. Tash Bradzo came in and gave me, didn't give it to me, said:

I have $7,500 from Henry Tamello, he got the money from Fermeri, and he wants it, he is going to wait, Henry is going to wait until you get out and explain to you, because the office is going to keep the show open.

Mr. WALDIE. Mr. Chairman, let me interrupt. I am either losing the thread of this witness, or I misunderstand what the witness is talking about.

Is this involving organized crime's influence on sports? Do you have anything to do with the sports or athletic field?

Mr. BARBOZA. No, not really. Where jockeys are concerned——

Mr. WALDIE. Did you have any contact with jockeys?

Mr. BARBOZA. I shook a couple of them up there for Henry Tamello.

Mr. WALDIE. What ones did you shake up?

Mr. BARBOZA. I told him earlier, I don't know.

What is your name—Mr. Waldie?

Mr. WALDIE. Yes.

Mr. BARBOZA. I don't know. I don't know their names. I wasn't concerned with Jockeys. I am not a gambler. I shake these people down, Mr. Waldie, for Henry Tamello. As I said, I was told by Henry Tamello to bet on the Lakers, to take the four points with the Lakers.

Mr. WALDIE. I recall that part of your conversation. Was that your sole and total connection with sports?

Mr. BARBOZA. Yes, sir. Really.

Mr. WALDIE. I have no further questions.

Mr. PHILLIPS. Congressman Brasco asked you what caused you to break with the mob? One of the factors that caused you to break with the mob was that while you were in prison, someone took over your rackets; is that correct?

Mr. BARBOZA. And stepped into my shylocking deal.

Mr. PHILLIPS. And your nightclub operation?

Mr. BARBOZA. Yes. Ralphie Lamattina wound up getting, his family being taken care of from my efforts in the Living Room.

Mr. PHILLIPS. So that essentially, these were factors that entered into your mind?

Mr. BARBOZA. There were more.

Mr. PEPPER. Plus other factors that led you to conclude that these guys were bitter you and the best way to even the score was to testify against them; is that correct?

Mr. BARBOZA. Right. There was maybe about 20 doublecrossers before I testified against them.

Chairman PEPPER. Mr. Winn, do you have any questions?

Mr. WINN. Thank you, Mr. Chairman.

I would like to follow the line of questioning that Mr. Waldie brought up a minute ago. I think this committee has got to keep the trend of our thoughts on organized crime's infiltration into sports. Let's cover your background.

I believe, sir, that you said you were a professional fighter at one time?

Mr. BARBOZA. Yes; amateur and professional.

Mr. WINN. Did you work for a syndicate as a professional? Who handled you as a professional fighter?

Mr. BARBOZA. Johnny Damireno was my trainer. Eddie Fishbank—I was under contract with Eddie Fishbank. Sam Silverman got me my fights.

Mr. WINN. Were they licensed managers and trainers?

Mr. BARBOZA. Yes.

Mr. WINN. Out of what State or city?

Mr. BARBOZA. Massachusetts, Boston.

Mr. WINN. You keep referring to a show of strength. I gather from your testimony that that is basically where you feel your real power is, because of your background as a fighter. You almost referred to yourself a minute ago, as a superenforcer, because you had numerous enforcers working for you?

Mr. BARBOZA. Not working for me. We were connected together, about 75.

Mr. WINN. And you were in charge of these enforcers?

Mr. BARBOZA. No, I wasn't in charge of them. I had a gang of my own.

The Winter Hill mob gang, the Dearborn gang mob——

Mr. WINN. These are all different gangs?

Mr. BARBOZA. Yes. And I worked with most of them.

Mr. WINN. And you had a gang of your own?

Mr. BARBOZA. Yes.

Mr. WINN. What was the name of your gang?

Mr. BARBOZA. East Boston. We come out of East Boston.

Mr. WINN. You referred to a gentleman well known in the sports field, Bob Cousy.

Mr. BARBOZA. That is right.

Mr. WINN. Who was a great player with the Boston Celtics.

Mr. BARBOZA. Yes, sir.

Mr. WINN. As I remember, you referred to Gene Conley, who I believe was a center for the Boston Celtics; a reserve center, as I remember. I am not sure of the position.

Mr. BARBOZA. Neither am I, sir.

Mr. WINN. Would you refresh my memory? Was this Conley the man that was suspended at one time by the Celtics?



Mr. BARBOZA. I do not know. All I know, he was a former professional baseball player, also.

Mr. WINN. That is right. He played both sports.

Mr. BARBOZA. Yes, sir.

Mr. WINN. Could you give us a little more background on the meeting that you saw and conversation about betting on the Lakers, and four points?

Mr. BARBOZA. Yes, sir.

Mr. WINN. Was this in a bar?

Mr. BARBOZA. This was at the Ebb Tide in Revere. It is a lounge.

Mr. WINN. Were Bob Cousy and Conley there at that time?

Mr. BARBOZA. It was Conley and Babe Parilli.

Mr. WINN. And Conley and Babe Parilli were in that conversation?

Mr. BARBOZA. Yes, sir.

Mr. WINN. Their conversation took about 40 or 45 minutes to decide the Lakers were going to win by four?

Mr. BARBOZA. Yes, sir.

Mr. WINN. And you say if people had bet on the Lakers to win by four, they would have won that bet?

Mr. BARBOZA. I won $100.

Mr. WINN. You won a hundred dollars?

Mr. BARBOZA. Yes, sir.

Mr. WINN. Is this the same Bob Cousy who just recently signed a new contract with the ownership of the Cincinnati Royals Basketball Team?

Mr. BARBOZA. I do not know, sir.

Mr. WINN. You don't know if he is the coach of the Cincinnati Royals?

Mr. BARBOZA. I don't know what he is doing.

Mr. WINN. I believe you will find this is the same Bob Cousy who is the coach of the Cincinnati Royals. They are just now in the process of transferring that ownership, or that basketball team to Kansas City-Omaha, and Cousy has just signed a 1-year contract.

Are you aware that the owner of the Cincinnati Royals, now the Kansas City-Omaha basketball team, is called the Empire Corp.?

Mr. BARBOZA. No. I am not, Mr. Winn.

Mr. WINN. Thank you, Mr. Chairman.

Chairman PEPPER. Mr. Steiger.

Mr. STEIGER. Thank you, Mr. Chairman.

Mr. Barboza, in your career as a fighter, were you what they called a club fighter? You fight club dates?

Mr. BARBOZA. Yes, sir.

Mr. STEIGER. In the Boston, Mass., area, or did you travel any?

Mr. BARBOZA. I fought mainly in Massachusetts.

Mr. STEIGER. Just a general picture of your impression of the fight game: How long were you in it as a professional?

Mr. BARBOZA. I was in there a couple of years and I had a fighter under contract for a short while. I had different people that would—I would wind up going to the gym a lot.

Mr. STEIGER. What period of time are we talking about? When were you actively involved?

Mr. BARBOZA. I had professional fights in 1958, and I went back to the joint, and I had professional fights in 1961–62.

Mr. STEIGER. In that period of time, were you ever asked to lay down in a fight?

Mr. BARBOZA. No.

Mr. STEIGER. Do you know of anybody who was, at that time?

Mr. BARBOZA. No.

Mr. STEIGER. As far as Mr. Patriarca is concerned, and his activities in New England, you referred to him once as the boss of New England. I take it you mean the boss of the New England Mafia?

Mr. BARBOZA. Yes, sir.

Mr. STEIGER. What States would that include, Mr. Barboza?

Mr. BARBOZA. Maine, New Hampshire, Massachusetts, Rhode Island, Vermont, Connecticut. The New England area.

Mr. STEIGER. Do you know of your own knowledge of any racetrack or professional team investments that Mr. Patriarca had or the mob had?

Mr. BARBOZA. He had something to do with Scarborough Downs.

Mr. STEIGER. That is in Maine, I believe?

Mr. BARBOZA. Yes.

Mr. STEIGER. It is a racetrack in Maine?

Mr. BARBOZA. Yes. And he had something to do with the Berkshires. I am not familiar with it.

Mr. STEIGER. I understand. But it was at least assumed by the people you dealt with that Mr. Patriarca had an interest in Scarborough Downs and Berkshire Downs?

Mr. BARBOZA. Yes. Mr. Tamello had made a statement that Patriarca owned about 50 percent of the horses that ran in New England.

Mr. STEIGER. He actually owned the horses that ran, now?

Mr. BARBOZA. Fifty percent.

Mr. STEIGER. Fifty percent of the horses that ran in New England were, at least according to Mr. Tamello, owned by the mob; is that correct?

Mr. BARBOZA. Right. They were fronted by frontmen.

Mr. STEIGER. Do you know the names of any of the men who were fronting for the owners of these horses?

Mr. BARBOZA. I knowed that the Corey brothers, the bondsmen——

Mr. STEIGER. Corey brothers?

Mr. BARBOZA. Corey brothers.

Mr. STEIGER. Where are they from?

Mr. BARBOZA. They are bondsmen from Boston.

Mr. STEIGER. Bondsman?

Mr. BARBOZA. Bail bondsmen.

Mr. STEIGER. Do they run horses now?

Mr. BARBOZA. I don't know if they run horses now. I know then they did.

Mr. STEIGER. Do you know anybody else who fronted for the office in the ownership of horses?

Mr. BARBOZA. Richie Castucci.

Mr. STEIGER. Anybody else?

Mr. BARBOZA. That is all I know.

Mr. STEIGER. Would you ever get word of a bought race, a good race to get some money down on as a result of conversations with any of these people?

Mr. BARBOZA. Richie Castucci on Stars and Stripes.



Mr. STEIGER. Stars and Stripes is the name of a horse?

Mr. BARBOZA. Right.

Mr. STEIGER. Do you remember where he was running at at that time?

Mr. BARBOZA. No.

Mr. STEIGER. To the best of your knowledge, did Mr. Patriarca have any interest in Suffolk Downs?

Mr. BARBOZA. I don't know.

Mr. STEIGER. Do you know if Mr. Patriarca, or the office, had an interest in any professional football teams or baseball teams?

Mr. BARBOZA. I don't know.

Mr. STEIGER. How about hockey teams?

Mr. BARBOZA. I don't know.

Mr. STEIGER. How about any properties like arenas or stadiums, that kind of thing?

Mr. BARBOZA. Jerry Angiulo owns a house, underneath was the name "Counting House" in Boston. They got word it was going to be raided at 2 o'clock in the morning. We moved the stuff out in trucks and stuffed it between the Bradhill Hotel and in the cellar.

Mr. STEIGER. Do you know a Joe Lindsey of Boston?

Mr. BARBOZA. I heard of him. They were very friendly with him.

Mr. STEIGER. You were very friendly with him?

Mr. BARBOZA. No, they were.

Mr. STEIGER. The mob was friendly with him?

Mr. BARBOZA. Right.

Mr. STEIGER. Incidentally, you keep referring to Mr. Tamello. I was out of the room for a while. I gather that he is a high-level functionary in Mr. Patriarca's organization. Is that correct?

Mr. BARBOZA. He was Mr. Patriarca's right-hand man.

Mr. STEIGER. Is that what they call a padrone sins?

Mr. BARBOZA. He was like a lieutenant. He was on the same level—he was on the same level as Jerry Angiulo, but the difference between Henry Tamello and Jerry Angiulo, Jerry Angiulo bought his strength like a buzzard, and Hennie Tamello did his work and was a proven soldier and a friend of Patriarca.

Mr. STEIGER. So Mr. Tamello earned the respect he had and Angiulo bought it?

Mr. BARBOZA. Oh, yes. He had a lot of respect from Patriarca.

Mr. STEIGER. The gambling you mentioned, were the bookies divided up as the shylocks were? Did they have to clear with the office before they could open the book?

Mr. BARBOZA. Any independent bookmaker will be postposted by the office until he is connected with the office. Then he gets the protection of the office.

Mr. STEIGER. In exchange for that protection from the office he would have to return a portion of his earnings to the office; is that correct?

Mr. BARBOZA. At least 50 percent.

Mr. STEIGER. Did you have to do the same thing on your $5,500 a week? Did you have to split with the office?

Mr. BARBOZA. No, I gave them a little more than that in the way of strength.

Mr. STEIGER. You gave them more than that?

Mr. BARBOZA. In other words, I was an enforcer for Raymond Patriarca, and I didn't have to give them no money.

Mr. STEIGER. In other words, rather than money, you acted as an enforcer for them; instead of giving them money?

Mr. BARBOZA. Right.

Mr. STEIGER. Are you aware of any relationship between Patriarca and Frank Sinatra, or Dean Martin?

Mr. BARBOZA. Yes.

Mr. STEIGER. Would you like to tell us about that relationship?

Mr. BARBOZA. Right. Frank Sinatra fronts points for Raymond Patriarca and Jerry Angiulo in the Fontainebleau in Florida and he fronted points for them in the Sands and Tahoe. Frank Sinatra was at a party at the penthouse that Jerry Angiulo had in the Fontainebleau, that Veroni Cascisco, Romeo Martin, and Ralphie Lamattina, and a singer by the name of Bobby Vincent were present at.

Mr. STEIGER. Do you know if Mr. Martin has any points for Patriarca?

Mr. BARBOZA. No, I don't.

Mr. STEIGER. So the only one you knew about was Frank Sinatra?

Mr. BARBOZA. Right.

Mr. STEIGER. It is my understanding, Mr. Barboza, that fronting points means that Mr. Sinatra claimed a percentage of the ownership in the Fontainebleau and the Sands when actually that ownership was held by Mr. Patriarca or his organization. Is that correct?

Mr. BARBOZA. Right.

Mr. STEIGER. Do you know of any interest that Mr. Sinatra had in any racetracks in the New England area?

Mr. BARBOZA. No.

Mr. STEIGER. This estimate of 50 percent of the horses that raced in New England at that time being owned by the mob, was an estimate that was provided by Mr. Tamello?

Mr. BARBOZA. Yes, sir.

Mr. STEIGER. Did he ever indicate those horses raced anywhere else except New England?

Mr. BARBOZA. No. But it was naturally assumed.

Mr. STEIGER. I mean, were there any horses that you would hear about that were winning in some other places, or were they mostly the Scarborough Downs horses?

Mr. BARBOZA. I was never interested in it, really.

Mr. STEIGER. You weren't interested in horses.

I have no further questions, Mr. Chairman.

Chairman PEPPER. Mr. Waldie.

Mr. WALDIE. No questions.

Chairman PEPPER. Mr. Brasco.

Mr. BRASCO. Getting back to sports for a moment. In connection with the visit to the Ebb Tide of the sports people that you mentioned, were you able to overhear any of the conversation?

Mr. BARBOZA. No, sir.

Mr. BRASCO. Did you have any conversation with Henry Tamello about why he told you to bet the Lakers?

Mr. BARBOZA. No. When he came out from that back room, and then people left, he said "Take four points for the Lakers."

Mr. BRASCO. You didn't overhear any of the conversation?



Mr. BARBOZA. No, sir.

Mr. BRASCO. Were there other visits where these same people came to the Ebb Tide and/or Arthur's that you were present?

Mr. BARBOZA. No, sir.

Mr. BRASCO. It is just on these two occasions?

Mr. BARBOZA. No, it was more than two occasions.

Mr. BRASCO. How many?

Mr. BARBOZA. Roughly about six occasions.

Mr. BRASCO. Either at the Ebb Tide and/or Arthur's?

Mr. BARBOZA. Yes, sir.

Mr. BRASCO. Let me get this straight about Arthur's. I understand you to say it was a kind of fruit stand.

Mr. BARBOZA. Primarily it was a vegetable store.

Mr. BRASCO. Vegetable store, and in the back they had a meeting room?

Mr. BARBOZA. No, it was extended in the back, and he put clothes in there and toys in there, and a lot of the stuff was hot.

Mr. BRASCO. Where would they meet?

Mr. BARBOZA. In the back where the clothing section was.

Mr. BRASCO. Was that open to the public?

Mr. BARBOZA. Yes, sir; it was. But nobody went there when they were there.

Mr. BRASCO. Excuse me?

Mr. BARBOZA. Nobody went in the back when Henry was talking to the people.

Mr. BRASCO. Getting back to the jockeys again, you said it was your experience that at the Ebb Tide the jockeys ran large tabs and they had all of the girls they wanted and everything was paid for by the office. Is that correct?

Mr. BARBOZA. It wasn't—they let the tab run up. They didn't have to pay. They had a tab they could pay when they got the money.

Mr. BRASCO. And when you came in there was a deal to get a jockey to believe Mr. Tamello was a good friend of his; in return, if Mr. Tamello had a favor he wanted him to perform, then he would perform it?

Mr. BARBOZA. Yes, sir.

Mr. BRASCO. And then you did that with how many jockeys?

Mr. BARBOZA. About five.

Mr. BRASCO. About five different jockeys?

Mr. BARBOZA. Yes, sir.

Mr. BRASCO. Do you know whether or not Mr. Tamello ever asked these jockeys to do anything in terms of any race they were riding in?

Mr. BARBOZA. All I know is that after he would talk to them, he would say that he got them to pull the races for him.

Mr. BRASCO. And was Mr. Tamello, from your own knowledge, a heavy bettor on horseracing?

Mr. BARBOZA. At one time Mr. Patriarca's office, he said Henry Tamello lost at least $1 million in his life gambling.

Mr. BRASCO. So he was a heavy bettor?

Mr. BARBOZA. Yes, sir.

Mr. BRASCO. Did he ever tell you about the fixed races, so that you, or anyone else, could make a killing?

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Mr. BARBOZA. I was never in no bookmaking operations.

Mr. BRASCO. I am sorry. You said loan sharking.

Mr. BARBOZA. Yes, sir.

Mr. BRASCO. Getting back again to the fight situation. This committee is interested in the impact of organized crime with respect to sports and that impact affects the general public, who think they are going to a sporting event that will be a fair contest. Could you tell the committee whether or not from your own experience, without mentioning names if you prefer not to at this time, whether or not the fight game, as you know it in Massachusetts, was infiltrated by organized crime and as a result thereof, any matches thrown?

Mr. BARBOZA. Mr. Brasco, the way they fix a fight is by getting the MEN from New York. If they have an up-and-coming fighter in Boston, they get a hungry fighter from New York, that hasn't trained for 5, 6, 7 weeks. And they bring him in in this condition and after 2 or 3 rounds he runs out of gas, so the fighter has the edge in Boston.

Mr. BRASCO. What you are saying is that it's not a question of anyone taking a dive willingly, but they are so severely unmatched, that it is not a fair fight.

Mr. BARBOZA. Right, as far as condition is concerned.

Mr. BRASCO. As a result of that kind of situation, is there a lot of money, to your knowledge, bet on those fights?

Mr. BARBOZA. I don't know, Mr. Brasco.

Mr. BRASCO. That you wouldn't know?

Mr. BARBOZA. No.

Mr. BRASCO. Now, just getting back for a moment to the time when apparently your problems began, in front of a place called the Nite-Life. While you were in jail, two of your associates were gunned down and the money that was supposedly representing your bail money was taken from them.

Mr. BARBOZA. Yes, sir.

Mr. BRASCO. How long were you in jail at that period of time?

Mr. BARBOZA. October 5 I got plucked and November 15 was when that occurred.

Mr. BRASCO. So your troubles began in that period between October and November when you were out of circulation?

Mr. BARBOZA. Yes. They waited until I was in jail.

Mr. BRASCO. Now, with the 75 people that you worked with, in terms of being the superenforcer——

Mr. BARBOZA. That "superenforcer" is like, you know it, it is kind of——

Mr. BRASCO. All right. I won't say "superenforcer."

Mr. BARBOZA. Everybody does, Mr. Brasco.

Mr. BRASCO. OK. Let me ask you this: Your relationship, then, was somewhat of a boss over the other 75, was it not?

Mr. BARBOZA. No, I wasn't a boss over the 75.

Mr. BRASCO. Would you give them orders on who to do away with?

Mr. BARBOZA. No.

Mr. BRASCO. You would not?

Mr. BARBOZA. No.

Mr. BRASCO. I don't understand exactly what your position was with relation to this 75.



Mr. BARBOZA. Buddy McClain was with the Winter Hill Gang. He ran the Winter Hill Gang while he was alive. Wimpy Bennett ran the Dearborn Square Gang. Ronnie Cascisco ran the people that were in the North End Gang. McClain I did time with in the can. Romeo Martin with Ronnie Cascisco, I did time with in the can. They were very independent men, also.

Mr. BRASCO. Well, here is the information I am trying to get square in my own mind. If there was a job to be done, would they contact the independent operators who had control over a smaller group?

Mr. BARBOZA. There was a gang war going on. And it was outside the office. This had nothing to do with the office. This gang war, one side was the McLaughlins, one side was the McClains. And the people I was with, my gang, merged with the McClains. Dearborn merged with the McClains, and Ronnie Cascisco's gang merged with the McClains.

Now, it was a lot of heat from these gang wars going on, these murders going on. So that Raymond Patriarca was kept well informed on it. He met these different people at various times, and he built up a relationship with them. And that is how 75 guys on one side were able to work together, independent men.

Mr. BRASCO. As I understood it, you said before that you are in jail now?

Mr. BARBOZA. Yes, I am.

Mr. BRASCO. What are you serving time for?

Mr. BARBOZA. I am doing 5 years to life for second degree murder.

Mr. BRASCO. Did you plead guilty to that?

Mr. BARBOZA. Yes, I pleaded guilty on the advice of my attorney.

Mr. BRASCO. Does that particular homicide, Mr. Barboza, have anything to do with your operation in behalf of the office in Massachusetts?

Mr. BARBOZA. That homicide eventually led to the Mafia revenge.

Mr. BRASCO. Excuse me?

Mr. BARBOZA. That, I pled self-defense. And the Mafia sent down a couple of witnesses to testify against me for the State; which were very harmful to me.

Mr. BRASCO. Then you said, during the course of the trial, you pleaded guilty?

Mr. BARBOZA. On the advice of my attorney, I pled guilty.

Mr. BRASCO. Sometime during the course of the trial?

Mr. BARBOZA. Yes, 2 months.

Mr. BRASCO. Now, this information about Frank Sinatra fronting for points at these various hotels; and you spoke about meetings at the hotels. Were you present, Mr. Barboza?

Mr. BARBOZA. No. I was later on present. Later on, Jerry Angiulo just left and in 1963, when I took a trip down to Florida, at the very first part of 1963, the wintertime.

Mr. BRASCO. So the information you give about the fronting for points is the information that was given to you in your conversations?

Mr. BARBOZA. Right.

Mr. BRASCO. Not information which you got while you were actually present at any dealings?

Mr. BARBOZA. Right. Yes, sir.

Mr. BRASCO. Can you tell the committee who gave you this information?

Mr. BARBOZA. Henry Tamello, Ronnie Cascisco, Romeo Martin, Patriarca.

Mr. BRASCO. Raymond Patriarca, himself?

Mr. BARBOZA. Yes.

Mr. BRASCO. Did you have an opportunity to meet with him often?

Mr. BARBOZA. I met with him once a week, sometimes twice a week. I traveled to Rhode Island to see him.

Mr. BRASCO. Where would he ordinarily be that you had to travel?

Mr. BARBOZA. Rhode Island, Jackals Avenue with a cigarette vending machine place. Another time when he had two people killed and there was a lot of heat on, he was in a garage owned by a guy by the name of Joe Badwick. I met him in a garage then.

Mr. BRASCO. I take it, if you had an opportunity to meet with him, that would be a special mark of some kind, a mark of success within the office.

Mr. BARBOZA. Yes.

Mr. BRASCO. And it went all of the way from that to the point where they actually sanded in on your operations?

Mr. BARBOZA. Yes. The Boston people talked them into it. It took Angiulo all day long to talk Patriarca to move against me. When Angiulo said, "What am I paying protection for, there is no sense giving you the money," that's when Patriarca's love for money outweighed his friendship for me.

Mr. BRASCO. Just getting back to this double homicide you were talking about, when the heat was on. Was that something that occurred in Boston, Mass.?

Mr. BARBOZA. That occurred in Rhode Island.

Mr. BRASCO. Well, how was it that they called you?

Mr. BARBOZA. Because I was going out there to see him on business, and he didn't want to stay in his office at Atlas Avenue because of the heat. So he was in his office owned by Joe Badwick, which was a garage.

Mr. BRASCO. So you meet at different places at different times as a matter of security; is that correct?

Mr. BARBOZA. Right. Danny Lamondi drove me to the garage. I didn't know where it was.

Mr. BRASCO. When you would go to Mr. Patriarca to speak to him, would that be in terms of giving him information as to what is going on in Boston, or giving him reports about what was going on in the loan shark operation, or the protection operation, and the office operation in general?

Mr. BARBOZA. Yes. Primarily it was to get okays on certain things.

Mr. BRASCO. Well, let me then ask you this: Were you there representing Henry Tamello?

Mr. BARBOZA. When things get very hot, the law was down on me very much so. I wouldn't travel. I didn't want to go near Raymond.

And there were other times, either when I did go to see Raymond, there were other times when Henry was leaving to go back to Rhode Island. I would give messages to him, to Raymond. Any time I had anything to say to Raymond, if I didn't say it directly to him, who I answered, because I only answered to him. I didn't answer to anybody else in Boston but him, and through Henry Tamello.



Mr. BRASCO. Thank you.

Thank you, Mr. Chairman.

Chairman PEPPER. Mr. Wiggins.

Mr. WIGGINS. No questions.

Chairman PEPPER. Mr. Mann.

Mr. MANN. No questions, Mr. Chairman.

Chairman PEPPER. Mr. Keating.

Mr. KEATING. Yes, Mr. Chairman.

Were you present when Bob Cousy was in this meeting with some of of the members of the mob?

Mr. BARBOZA. Yes.

Mr. KEATING. Who was he with at that time?

Mr. BARBOZA. He was with Gene Conley, Babe Parilli, and Henry Tamello.

Mr. KEATING. Who is Henry Tamello?

Mr. BARBOZA. Henry Tamello is Raymond Patriarca's right-hand man.

Mr. KEATING. Do you know what the discussion was all about?

Mr. BARBOZA. No.

Mr. KEATING. Was this the only occasion you saw them together?

Mr. BARBOZA. I saw them in the Ebb Tide: I saw them a couple of times in Arthur's Farm, and a few times at the Ebb Tide. I saw Bobby Cousy twice at Arthur's Farm. In other words, never at the Ebb Tide.

Mr. KEATING. Was it while he was still playing for the Celtics?

Mr. BARBOZA. Yes, I think so, yes.

Mr. KEATING. This had nothing to do with the game you bet on, however, did it? The Los Angeles game with the Boston Celtics?

Mr. BARBOZA. I don't think that the Lakers were in Los Angeles at that time.

Mr. KEATING. In any event, you didn't bet on a game——

Mr. BARBOZA. I bet on the Lakers' game, four points.

Mr. KEATING. Was that after a meeting where you saw Bob Cousy in attendance, or not?

Mr. BARBOZA. That is when he was with Babe Parilli and Gene Conley in Ebb Tide.

Mr. KEATING. When he was with those two?

Mr. BARBOZA. Tamello, not Cousy.

Mr. KEATING. Do you know anything about River Downs Racetrack in Cincinnati, Ohio?

Mr. BARBOZA. No, sir.

Mr. KEATING. Did you say that about 50 percent of the horses were owned by the mob?

Mr. BARBOZA. In New England, yes.

Mr. KEATING. Do you know the names of the people who were fronting for all of these horses?

Mr. BARBOZA. No, sir.

Mr. KEATING. How do you base your information?

Mr. BARBOZA. Henry Tamello.

Mr. KEATING. He was the source of the information?

Mr. BARBOZA. Yes, sir.

Mr. KEATING. He was close to Patriarca?

Mr. BARBOZA. Yes, sir.

Mr. KEATING. Have you personally seen Frank Sinatra at any of these meetings?

Mr. BARBOZA. No, sir.

Mr. KEATING. You just heard about it, is that it?

Mr. BARBOZA. Yes, sir.

Mr. KEATING. You mentioned in response to one of Congressman Steiger's questions, about Mr. Lindsey—are you aware of any relationship between Mr. Lindsey and Bob Cousy?

Mr. BARBOZA. No, sir.

Mr. KEATING. Are you aware of any relationship between Mr. Lindsey and the Jacobses?

Mr. BARBOZA. No, sir.

Mr. KEATING. Or Emprise Corp.?

Mr. BARBOZA. No, sir.

Mr. KEATING. You indicated earlier that you repossessed some cars for Dario Ford.

Mr. BARBOZA. Yes, sir.

Mr. KEATING. Who were the partners in that company at that time, do you know?

Mr. BARBOZA. What I know about Dario Ford, sir, is this. Veroni Cascisco bought a Lincoln there, and another car, and he got them at a good price. And Mickey "the Wise Guy" was into Dario Ford, had a piece of Dario Ford.

Mr. KEATING. Was Mr. Lindsey involved as an owner in Dario Ford?

Mr. BARBOZA. I don't know.

Mr. KEATING. Are you presently concerned about your life?

Mr. BARBOZA. Yes. They have a $360,000 contract on me. I am not concerned about my life. I don't want to die, but I am not concerned about it.

Mr. KEATING. Are you isolated in the prison where you are now?

Mr. BARBOZA. No, sir.

Mr. KEATING. Or you have the same access other prisoners have to other prisoners?

Mr. BARBOZA. Yes, sir.

Mr. KEATING. Do you have any recollection of what the odds were on the game on which you bet $100?

Mr. BARBOZA. Four points.

Mr. KEATING. It was a four-point spread. Were there any odds?

Mr. BARBOZA. No, no odds. That was the odds, the four points.

Mr. KEATING. All right.

I don't have anything further.

Mr. BRASCO. Mr. Chairman.

Mr. KEATING. I will yield to Congressman Brasco.

Mr. BRASCO. Mr. Barboza, during that meeting at the Ebb Tide in which you say these sports figures were there and you were told to bet, do you recall whether or not Mr. Teniello had mentioned whether or not any of the sports figures were betting, also?

Mr. BARBOZA. No, sir.

Mr. BRASCO. No?

Mr. BARBOZA. I don't know. I don't remember.

Mr. BRASCO. You say you are not a gambling man. Was that because you don't like the odds, from what is going on?



Mr. BARBOZA. I never won too much, so I am not winning much in the beginning——

Mr. BRASCO. No. In your opinion there are so many problems with the sporting contests, with respect to jockeys pulling up, with respect to putting tankers in the fight ring, and with respect to getting special information from participants in ballgames, that you didn't like the odds from that point of view. You knew there were things that were going on that did not make it a fair sporting contest?

Mr. BARBOZA. That wasn't the reason, Mr. Brasco.

Mr. BRASCO. Do you feel that to be so from your observation of what was going on in Boston, that these sporting contests are operated in such a way they don't give the public a fair contest, particularly when there is money bet on them?

Mr. BARBOZA. Well, there are a lot of times that the game, as far as the races, I think the races are the worst ones, but as far as basketball, the points are held in a lot, and I would not want to bet on it, unless I could get the information.

Mr. BRASCO. That is what I was getting at. How about baseball? Do you know anything about that?

Mr. BARBOZA. No, sir.

Mr. BRASCO. Okay. Thank you.

Chairman PEPPER. Mr. Sandman.

Mr. SANDMAN. I have no questions, Mr. Chairman.

Chairman PEPPER. Mr. Barboza, you have tolds us a lot of lurid and dramatic details about some of the methods of gang operations. How many people have you known of who were, according to your best knowledge, killed on account of gang action?

Mr. BARBOZA. Gang action?

Chairman PEPPER. Yes; either in gang warfare or gang killing of someone, individually?

Mr. BARBOZA. About a hundred.

Chairman PEPPER. About a hundred. In how many years?

Mr. BARBOZA. I would say from 1960 to 1966, maybe 75, and during—well, more than that. It is pretty rough to estimate, Mr. Pepper.

Chairman PEPPER. Roughly, in a period of 10 years, maybe a hundred people?

Mr. BARBOZA. Yes.

Some of the killers were killed by others, but of those who survived killing from other gangs, how many of them would you say were convicted and sentenced to some sort of penalty?

Mr. BARBOZA. Mostly all of them. Mostly all of them, sir.

Chairman PEPPER. Mostly all of them?

Mr. BARBOZA. Yes, sir. Most all of them.

Chairman PEPPER. What general activities were carried on by the gangs of which you have knowledge? What did they do to make their money?

Mr. BARBOZA. To make their money, they were primarily shylocks, shake down different nightclubs, had businesses of their own.

A couple of bookmakers, fees, or dealt in hot merchandise. That is about it.

Chairman PEPPER. Has it been your observation that when people who are members of gangs, who derive their money from illegal opera-

tions by what is called a legitimate business, they generally carry over into the operation of the legitimate business the tactics they used in the illegal operation they carried on?

Mr. BARBOZA. Yes.

Chairman PEPPER. That is what a witness testified here yesterday; that when the gangs got into legitimate business, like horseracing, for example, that right away they tried to get what they called an "edge." Is that a familiar word?

Mr. BARBOZA. Yes, an edge.

Chairman PEPPER. An advantage, a way to devise some unfair advantage in that operation.

Mr. BARBOZA. Yes, sir.

CHAIRMAN PEPPER. So if gang members did infiltrate into horseracing the chances are they would carry over into that operation some illegal activity; is that correct?

Mr. BARBOZA. Yes, sir.

Chairman PEPPER. How many instances have you known of where law enforcement officers were bribed?

Mr. BARBOZA. A whole lot. Boston, especially; a whole lot.

Chairman PEPPER. Has that extended to any Federal officers? Do you know of any Federal law enforcement officers that have been bought?

Mr. BARBOZA. They are afraid of Federal officers.

Chairman PEPPER. They are?

Mr. BARBOZA. Yes. I know of no instance where a Federal officer was bribed, and they are very much afraid if any *FBI* or Federal men get involved with anything they are doing.

Chairman PEPPER. What are the reasons why local officials in areas where mob operations are carried on over a period of years, are unable to break up the mob and protect the community and the other people against their operation? Why is it that they are not able to do it?

Mr. BARBOZA. Well, they don't really want to. In other words, they are getting money from them. In other words, where organized crime flourishes—I make a broad statement—what I have to say, allegedly and purportedly, they have to have 50 percent, over 50 percent of the police officials, and part of the politicians are corrupt.

Chairman PEPPER. And you attribute the failure to break up the mobs, in cities where they are, to the protection they are getting from some politicians and local law enforcement officers?

Mr. BARBOZA. Yes. In other words, Mr. Pepper, a lot of the police officers are working in their own neighborhoods or places that they grew up.

All right, there is the marshal service I have been involved with while I have been involved in this custody, and I think that is one of the finest law enforcement branches you have in the country, and these men are screened by Federal people. If even local police officers were screened by Federal police or enforcement I think you would have a better type of local police officer.

Chairman PEPPER. Yesterday a Mr. Holiman testified. Were you here yesterday?

Mr. BARBOZA. No, sir.

Chairman PEPPER. Mr. Holiman testified that he had been head of the strike force, or task force, in New York up until a short time ago,



which was composed of Federal, State, and local law enforcement officials. Do you know of any bribery among any of that group, since that strike force has been in operation?

Mr. BARBOZA. No, sir.

Chairman PEPPER. And you say that if Federal officials are working with the State and local officials, it would tend to strengthen the integrity of all of them?

Mr. BARBOZA. If they screen them.

Chairman PEPPER. Is it helpful, in your opinion, that to break up mob operations we should have the Federal Government law enforcement officials participating in the effort?

Mr. BARBOZA. Yes, sir. Very much so.

Chairman PEPPER. Do organized crime people pay any particular attention, or are they concerned in any way, about these strike forces that are set up in the various cities, composed of Federal, State, and local officials? Does the mob exhibit any concern when these forces are set up?

Mr. BARBOZA. In the short existence of the task force, they have a very powerful reputation, which makes the mob very much afraid of them.

Chairman PEPPER. So they do. They do have an impact. The mob does respect them?

Mr. BARBOZA. Yes, sir.

Chairman PEPPER. And they do have an impact upon law enforcement in the area?

Mr. BARBOZA. Yes, sir.

Chairman PEPPER. From having been on the other side of the table, as it were, in your past operations, and now from the point of view of the public, would you think it desirable if we could set up more of the strike forces like they now have in New York where the Federal, State, and local officials are all working in close integration together?

Mr. BARBOZA. Very much so.

Chairman PEPPER. It would be helpful in fighting organized crime?

Mr. BARBOZA. Yes, sir.

Mr. Pepper, organized crime is probably the worst threat to the United States. They have so much land, so much business. Jerry Angiulo bought $10 million worth of land in the early 1960's. When I spoke to him in 1964—now, his idea of spending $10 million in land was to, at a 10-year process, at the end of 10 years he was going to sell this land and get the interest.

Now, a few years later, the money was coming in so fast to him that he was just going to leave that money lie in the $10 million worth of land.

Jerry Angiulo has over a million and a half dollars out in the street at shylock at 1 percent. This is $10 a thousand. He makes a quarter of a million dollars a week.

Now, this is a high figure, and this is—I think that I have not overestimated in any way—that it is very likely that Jerry Angiulo makes more than that.

And Raymond Patriarca in 1966 stuck $500,000 apiece, gave it to Elliot Price to stick into Caesar's Palace. They have floating crap games. Patriarca, himself, has floating crap games in Rhode Island; in Worcester, Mass.; Connecticut; New York; and he has a piece in

Boston. His followers are tremendous. The Mafia is his country, it is the biggest. The trouble is, nobody wants to get involved with the politicians. And then at a certain point, everybody lets it slide.

So my concern is this: As I was on the other side of the fence, and right now I am doing everything in my power to try and do something for my children, because I don't want to leave this on my children, and I should think that nobody else wants to leave it for their children, and they are leaving something for their generations. Would you want your great grandchildren to be part of the mob, as far as working in an office? That is what it is coming to, because little by little, they are swallowing everything in legitimate business.

And those they can get, they brutalize and intimidate and front for them.

So that it is up to people like you, and it is up to the news media, to make the public aware of the threat the Mafia is, and to keep it in the public's eye all of the time, not just now and then.

Chairman PEPPER. Tell us—incidentally, we heard a good bit about loan shark operations. What rate of interest do they collect from the borrowers?

Mr. BARBOZA. They have various rates of interest. Now, there is such a thing as not sweating the guy. Which is let him have a loan, a businessman—all right. Their favorite is to get a businessman, a jewaler. He has an opportunity to buy $4,000 worth of jewalry in the wholesale house at New York, but he can't get the money right now, it's tied up. So he gets $4,000 off a shylock and says to the man, "I will give you $5,000 back next week."

Now, that's a big rate of interest. So he takes that $4,000 worth of jewelry and sells it for $7,500 inside of 1 week. So he made himself $2,500 and gives the man a thousand dollars and he's happy. This goes on continuously.

I had one man I gave $21,000 to that was giving me $2,100 a week, and he was grabbing middle money. He had jewelers in Worcester, Boston, and he was getting these loans from businessmen, that were $350, $400, $1,000 or $1,500, in a matter of a week, and he would grab like $50 or $75 from these men and give me like $150, $200.

Chairman PEPPER. I have heard—and I would like for you to tell me whether it is true or not—that once a businessman gets in the clutches of these loan sharks, he hardly ever gets out. Sometimes not until he is broke. They won't let him out. Is that true?

Mr. BARBOZA. That depends on what type of person he is. If he is a gambling degenerate, if the deal that made him go in the Mafia falls through and the money is lost and the rate of interest starts to pile up on him, they move in cases like that. I have had shoe stores in mortgage, I have had printshops in mortgage, I have had trailer trucks in mortgage, first mortgages and so forth.

I had one man that owned a printshop that ran away, and he just left his printshop, never came back no more.

Chairman PEPPER. Mr. Barboza, getting back to horseracing, if the so-called mob, if the gangsters did get into horseracing, is that the sort of industry, with its many facets, many people who participate and many aspects of it, that would lend itself to gang enforcement, manipulation, and corruption? Is that the enforcers who go against the jockey, go against the trainer, go against the veterinarian, go



against the exercise boy, go against the owner?

The fellow that serves tickets at the window, some of the many people engaged in a horsetrack operation?

Mr. BARBOZA. The best I can say about this, there was an independent bookmaker down the track that I beat up with a bannister pole to get him out of there in 1962.

Mr. PHILLIPS. Would you repeat that?

Mr. BARBOZA. I beat up an independent bookmaker down at the racetrack with a bannister post they told me to beat up.

Chairman PEPPER. You were talking about enforcers, people who either kill or inflict serious bodily injury upon individuals in the course of their so-called enforcement; is that correct?

Mr. BARBOZA. Yes, sir.

Chairman PEPPER. In other words, they have many opportunities, operating as they do, to corrupt the racing industry if they could get into it?

Mr. BARBOZA. Yes, sir. I would say yes, but not knowing that much about the racetrack——

Chairman PEPPER. I understand. What about the methods of the gang?

Mr. BARBOZA. Yes, sir.

Chairman PEPPER. Another question: We hear so much about gang operation and the mobs. To what extent is there a gang operation or are there mobs in the United States today?

Mr. BARBOZA. To what extent?

Chairman PEPPER. To your knowledge. Pick out any city.

Mr. BARBOZA. New York is the stronghold of the Mafia. And Chicago is very strong, and Las Vegas, even though all types of people around the country as far as people connected in Las Vegas, like the Dunes and the Sands—no, not the Sands, since Howard Hughes got in. As far as at one time, when the office owned the Sands, which Hymie Abrams fronted a lot of points for them and Frank Sinatra had points, and Elliot Price is now in Caesar's Palace—I am getting astray from what I am saying. New York is the stronghold. They have maybe five or six families there.

One family from New York could swallow Boston. In Boston, Patriarca made the mistake of relying on independent operators too much. Because he wanted to keep the money all inside of family and not give them much to begin with. The men in his family. So that Chicago, Florida, Baltimore——

Chairman PEPPER. Is Meyer Lansky considered an integral part of the gang world in any way, now?

Mr. BARBOZA. I don't know Mr. Lansky personally.

Chairman PEPPER. Just one other question. We have heard a lot about the participation of gangsters, mob people, in the importation of heroin into this country and dealing in heroin. We had testimony before this committee when we had hearings in New York a couple of years ago, that probably 10 or 12—I don't know whether they meant families, as you call them, or individuals—were responsible for bringing about 30 percent of the heroin into this country. Do you know anything about the participation of the gangs in the heroin trade?

Mr. BARBOZA. I know it was coming in in sardine cans, packed in sardine cans, in cases of sardine cans coming into the country. That

Patriarca was involved and it was coming out of New York. In fact, New York is noted as the biggest, the strongest dope that you can buy in the country as far as heroin. In New York.

Chairman PEPPER. It is well known, is it?

Mr. BARBOZA. Yes.

Chairman PEPPER. Now, another question: We hear so much about the top figures in these so-called families or gang groups being so hard to get access to; they are so hard to catch. They are insulated reputedly by so many layers.

Mr. BARBOZA. Right.

Chairman PEPPER. How does the operation work? How would a big gang work in this country?

Mr. BARBOZA. Just take the bookmaking operation. In east Boston they have a boss. And that boss has four or five runners. Those four or five runners go out throughout east Boston and pick up in about 15-20 joints. The same goes on in Chelsea and Everett and Revere.

Now, these runners come back to the main boss. The main boss in each town, in suburban town will go to Jerry Angiulo, who has a frontman in the way of Peter Limoine. Finally, this goes on all through Massachusetts. They might have maybe five different men come back to Patriarca with change. But yet there are hundreds and hundreds of bookmakers operating that he never sees or talks to.

Chairman. PEPPER. He is physically remote from the actual operation?

Mr. BARBOZA. It is like a big wagon wheel with Patriarca in the center as the axle, and the spokes running off are the runners and at the end of each spoke is like a mushroom, an operation of 50 bookmakers. And the 50 bookmakers turn in at the end of spoke, which is the runner, and the runner runs back to the axle, which is Patriarca.

Chairman PEPPER. Any other questions?

Mr. WINN.

Mr. WINN. Let me ask you a couple more questions. Mr. Patriarca is in prison at the present time, as I understand it.

Mr. BARBOZA. Yes, he is.

Mr. WINN. Is he still running this mob from prison?

Mr. BARBOZA. Yes, he is.

Mr. WINN. He is still the boss?

Mr. BARBOZA. As long as Raymond Patriarca is alive, he will run it.

Mr. WINN. It doesn't do much good to put him in prison, does it.

Mr. BARBOZA. In fact, it is——

Mr. WINN. That is a statement, not a question.

Where was this $16 million worth of land? In the Boston area?

Mr. BARBOZA. All over the United States.

Mr. WINN. All over the United States?

Mr. BARBOZA. All buys that he bought were good buys. At the end of 10 years there would be a vast increase in interest. And he is not taking it out, he is leaving it in there.

Mr. WINN. You say he is just riding the interest on the ground?

Mr. BARBOZA. Yes.

Mr. WINN. Is he a ground speculator?

Mr. BARBOZA. In fact, 10 years have gone by. In the real estate office, that is one of his grounds.



Mr. WINN. Is he a ground speculator?

Mr. BARBOZA. He speculates the ground, the sea, and the air.

Mr. WINN. Does he use the power of the office and the mob to see to it that he gets certain types of zoning which will increase the value of his land?

Mr. BARBOZA. When you talk about zoning, there is a program, urban renewal program going on in New Bedford, Mass., and Hylo Construction was tearing down buildings, and the Hylo Construction Co. was fronted by Frank "Snappy" Davis, who is the frontman for Raymond Patriarca, because Raymond Patriarca owns the construction company, and the construction company has the urban renewal program in New Bedford.

They are involved in Government food contracts, two Greek brothers that are in West Germany now in the military, supplying food for these places.

Mr. WINN. They are part of the Patriarca mob?

Mr. BARBOZA. Right.

Mr. WINN. And they are the main contractors for the urban renewal project where?

Mr. BARBOZA. In New Bedford, Mass. And also in Rhode Island.

Mr. WINN. All right. You made the statement that the local law officials have been bribed or are so close to many of the individuals involved because they grew up with them in the same neighborhood. I gather they just don't want to put the finger on some of their ex-buddies or longtime friends?

Mr. BARBOZA. I think it is more prompted by the monetary value than friendship.

Mr. WINN. You think the dollar is playing a big part?

Mr. BARBOZA. Yes, Mr. Winn.

Mr. WINN. Do you think this is because many of our local law enforcement officers are low paid or that they can't make a decent living at the wages that the taxpayers in the various communities pay them? Or do you think that the money the mobs are paying is so much greater and the necessity for more money to live is that much greater?

Mr. BARBOZA. Well, I would like to answer that in two parts.

I mentioned earlier the marshal service that is probably one of the strongest and best forces in the country. I don't think they are paid that well. But yet you have some strong fine men in the marshal service.

But now, in Boston, where every other cop is taking money, and a new police officer gets on the force and his partner is taking money, his zeal kind of leaves him, and then, also, probably because of the low pay. The enticement of big money.

Mr. WINN. It could be a combination of the two?

Mr. BARBOZA. Yes.

Mr. WINN. All right. Last week, or maybe earlier this week, we talked about the possibility of a czar, Federal czar, or boss, to oversee horseracing. Do you think this would be a good idea, based on the fact you say that the mobs are afraid of fooling with the Federal investigators and the Federal law enforcement officers? Dealing with the local ones doesn't seem to bother them? Do you think a horseracing

czar with Federal authority and Federal investigators would help the situation?

Mr. BARBOZA. You mean like a task force governing the racetrack?

Mr. WINN. Similar, but with a top man.

Mr. BARBOZA. Yes; I think that would help. All I know is that where Federal people are involved, it is very powerful and potent.

Mr. WINN. Suppose we had Federal investigators who would go into the various States and check out some of the problems they have there with gambling and with the underworld. Do you think we should give that consideration?

Mr. BARBOZA. Yes; I think you should give it a lot of consideration.

Mr. WINN. Thank you, Mr. Chairman.

Chairman PEPPER. Mr. Nolde wishes to ask another question.

Mr. NOLDE. Mr. Barboza, do outside bookies operate at racetracks?

Mr. BARBOZA. They do, but they are driven off.

Mr. NOLDE. They are driven out by whom?

Mr. BARBOZA. By the office. Because they work some kind of a deal with the racetracks, that the racetracks don't want them because it takes away from their business. And I don't know, like who they deal with, but I know they don't want them.

Mr. NOLDE. I meant outside the racetrack, official racetrack.

Mr. BARBOZA. You mean bookmaking operation?

Mr. NOLDE. Right.

Mr. BARBOZA. Yes, there are all kinds of bookie joints.

Mr. NOLDE. By that, I mean they actually operate on the racetrack grounds?

Mr. BARBOZA. No; they don't operate. In other words, I gave you an illustration of beating up an independent operator with a bannister post because they didn't want him on the track.

Mr. NOLDE. Who doesn't want them on the track? The office; the mob?

Mr. BARBOZA. Right.

Mr. NOLDE. Are there any mob-controlled, or mob-approved bookies that operate at the track?

Mr. BARBOZA. I don't know.

Mr. NOLDE. Could you tell us about at least one of the independent operators that tried to operate on the track?

Mr. BARBOZA. I gave you an illustration.

Mr. NOLDE. Could you tell us about that?

Mr. BARBOZA. Leo Schwartz gave me a guy by the name of Bozo, pointed him out to me, and the quickest thing I get a hold of was a bannister post, and I walked over and clobbered him with it a few times and told him not to operate on a track any more. And he never operated on the track any more.

Mr. NOLDE. Who gave you the direction?

Mr. BARBOZA. Leo Schwartz. Leo Schwartz at that time was partners with Tommy Calahan and Bernie McGarrity, and then later on went to Kaplan, and when he got scared, when he got involved in a gang war, when a fellow took a shot at his partner, he went with Ralphie Chong. And now nobody could take a shot at him because he was connected with the office.

Mr. NOLDE. Was that done on behalf of Henry Tamello or with his approval?



Mr. BARBOZA. Ralphie Chong used to be with Joe Anselmo but when him and Romeo Martin got in a beef down in Florida, where Romeo almost killed Ralphie, they split up, they took and sent Raphie Lamattina to Jerry Angiulo, so at that time when he done that with Leo Schwartz, Ralphie Lamattino was with Jerry Angiulo, so Jerry Angiulo would rake profits out of that, which he would turn a great percentage. If I am not mistaken, 50 percent of Angiulo's action goes to Patriarca.

Mr. NOLDE. Can you tell us basically, in the enforcing you did, at whose behest or who directed you to do it in most cases?

Mr. BARBOZA. Hennie Tamello, Raymond Patriarca. At one time when I was at Raymond Patriarca's office, he said to me, "You are originally from New Bedford, aren't you?"

I said, "Yes." He said, "I got a bookmaker down there, Sullivan, that wants to quit." Sullivan was probably the biggest bookmaker down in New Bedford, and the irony, the very odd thing about Mr. Sullivan, is that he is an old man, and very few people had ever seen Sullivan, although he runs the biggest pot in New Bedford in the bookmaking operation.

So that I said, "You want me to see him?"

He said, "Yes, I will give you a rundown on it in a couple of weeks."

When I saw him I mentioned it to him and a couple of weeks later, he said, "I got him all straightened out. You don't have to go."

When he originally told me, he said, "I want you to rough him up but not really hurt him. Just give him a slap in the mouth and shove him around. I don't want to break any bones or anything."

Mr. NOLDE. Was there any one person in the mob whose approval you felt you always had to have before you did any work?

Mr. BARBOZA. Well, Raymond Patriarca kind of isolated me, which met my approval very highly because I didn't like Jerry Angiulo and his ways and I didn't like a lot of people involved in the family.

Mr. NOLDE. But you did like Henry?

Mr. BARBOZA. Henry Tamello and I answered to Patriarca, which was the highest. So Henry I like more than anybody else.

Mr. NOLDE. All right. You said earlier you met with Raymond Patriarca at various times in order to get OK's on certain things. What certain things were you talking about? What kind of things?

Mr. BARBOZA. Shakedown places. And the OK to kill people.

Mr. NOLDE. Can you give us some examples?

Mr. BARBOZA. Well, I gave an illustration as far as the Living Room. That was OK. I gave you an OK—there was one about Sammy Linden. Sammy Linden was supplying the Youse brothers with money and we were fighting the Youse brothers, so he was very instrumental with regard to keeping them hidden, giving them money so they could rent cars, giving them money so they could buy guns, and turns on our families, which I mean literally, our wives and so forth.

So that we went to Raymond about getting the OK to kill Sammy Linden, and he said, "No; not right now."

A year went by, and after he borrowed $75,000 from Sammy Linden, then he gave the OK to kill him.

So Sammy Linden was killed by some people in Middleton, a highway, along with Steve Youse. Two cars go by with carbines and they

In regard to infiltration, in other words, like Al Capone started the scheme of investing illegitimate money into legitimate enterprises. Well, he pioneered it, but he looks like a nothing compared to the vast sums that are stuck in now by the mob.

Now, where the people make the mistake is that they will find out that the Mafia came into a factory. They bought a piece of a joint, so they say as long as I do my work, I don't have nothing to do with him. All of a sudden, months later, somebody comes flying down the stairs with his neck broken, and that person is there and all of a sudden he is involved, because if he says anything he is going to get killed.

Mr. BRASCO. That is what I meant.

Mr. BARBOZA. That is the difference. They sell their moralities by going in the business and staying there. It is all for themselves. People, you know, and you can't blame them, because they get a job where they are established at, and they know the Mafia has moved in and where are they going to get another job like that? Probably as foreman in their factory. And they don't have the status.

Mr. BRASCO. Also, in that kind of vein, getting back to the loansharking thing, because I think that is something that is very important. Most of the time they are acting the part of the good guy to keep the boys in business, if they can. Other than deadbeats, or as you said, degenerate gamblers, or people that have schemes for business which are tantamount to throwing money away. But for the average case, they try to keep people in business and play the part of the good guy and the reputation spreads.

Mr. BARBOZA. Right.

Mr. BRASCO. Thank you.

Chairman PEPPER. Mr. Barboza, without excusing any illegal acts you may have committed in the past, I want to commend you for now doing what you can to break up this shocking menace of organized crime in this country. It is an almost unbelievable fact that such a thing could exist in this great free country. You can be very helpful to those in authority who are trying to do something about it.

We appreciate your coming here, giving your testimony to the committee.

Mr. BARBOZA. Thank you, Mr. Pepper.

Chairman PEPPER. The committee will adjourn until 10 o'clock in the morning.

(Whereupon, at 4:05 p.m., the hearing was adjourned, to reconvene tomorrow, Thursday, May 25, 1972, at 10 a.m.)

## ORGANIZED CRIME IN SPORTS

## (RACING)

THURSDAY, MAY 25, 1972

HOUSE OF REPRESENTATIVES,
SELECT COMMITTEE ON CRIME,
*Washington, D.C.*

The committee met, pursuant to notice, at 10:10 a.m., in room 345, Cannon House Office Building, the Honorable Claude Pepper (chairman) presiding.

Present: Representatives Pepper, Mann, Steiger, Winn, and Keating.

Also present: Joseph A. Phillips, chief counsel; Michael W. Blommer, associate chief counsel; Chris Noide, associate counsel; Andrew Redding, assistant counsel; and Leroy Bedell, hearings officer.

Chairman PEPPER. The committee will come to order, please.

Mr. Berube, would you please come forward.

Before hearing from our first witness today, we are pleased to have Col. Walter E. Stone of the Rhode Island State Police in attendance at our hearings. Colonel Stone has been an eminent and highly respected law enforcement official for many years and is undoubtedly the Nation's leading expert on organized crime in the New England area.

Colonel Stone's professional career dates back to 1932 and includes service in all ranks of the Providence Police Department. He has held numerous positions in the State and Provincial Section of the International Association of Chiefs of Police, including that of chairman of the North Atlantic Region. In addition to his present assignment as colonel and superintendent of the Rhode Island State Police, he is also serving as chairman of the New England State Police Administrators' Conference, as a member of the Highway Safety Committee of the International Association of Chiefs of Police, is the executive vice president of the Eastern Region Military Civilian Traffic Safety Conference and chairman of the policy board of the New England Organized Crime Intelligence System (NEOCIS).

Colonel Stone has been of great assistance to our committee in preparing these hearings, and we deeply appreciate his general support and counsel. His dedicated service is a great credit to the State of Rhode Island, and he has made a superb contribution to our national interest.

We are pleased to have you with us today, Colonel Stone.

We also have in attendance today Mr. Arthur Youth, deputy director, New England Organized Crime Intelligence System and his

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 24 1972

TELETYPE

Mr. Felt
Mr. Mohr
Mr. Rosen
Mr. Bates
Mr. Bishop
Mr. Callahan
Mr. Campbell
Mr. Cooper
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Miller, E.S.
Mr. Ponder
Mr. Soyars
Mr. Walkart
Ms. Walters
Tele. Room
Mr. Kinley
Ms. Armstrong
Ms. Herwig
Mrs. Neenan

WR001 BS PLAIN

9:15A URGENT 5-24-72 DLN

TO: ACTING DIRECTOR

FROM: BOSTON (92-1132)

JOSEPH BARON, AKA, AR ANTI-RACKETEERING

ATTORNEY EDWARD F. HARRINGTON, DEPT. OF JUSTICE, STRIKE FORCE, BOSTON, MASS. ADVISES SUBJECT IS IN WASHINGTON, D.C. ON SUBPOENA FROM PEPPER COMMITTEE AND IS TO APPEAR BEFORE COMMITTEE ON THURSDAY MAY TWENTYFIFTH NEXT. BARON REPORTEDLY WILL GIVE TESTIMONY RE RACE FIXING AND ORGANIZED CRIME. JUSTICE DEPT. WAS NOT AWARE OF BARON'S SUBPOENA AND IS NOT IN AGREEMENT WITH HIS APPEARANCE BEFORE COMMITTEE. FOR BUREAU INFO BARON HAS BEEN CONFINED FROM OCTOBER NINETEEN SIXTYSIX TO PRESENT WITH EXCEPTION OF PERIOD MARCH SIXTYNINE THRU JULY NINETEEN SEVENTY WHEN HE WAS UNDER NEW IDE[redacted] IN CALIFORNIA.

END.

92-9828-40X

REC 103

MAY 31 1972

51 JUN 6 1972

EXHIBIT 471

SPECIAL INVESTIGATIVE DIVISION

May 24, 1972

Joseph Baron was the principal prosecution witness in United States District Court, Boston, Massachusetts, in trial resulting in conviction of La Cosa Nostra "boss" Raymond Patriarca in 1967 on interstate gambling charge. Baron had contracted with Patriarca to kill a Providence, Rhode Island, hoodlum in a dispute concerning a gambling game operation. Baron also testified for the prosecution in several murder trials in state court.

While relocated for personal safety reasons in Santa Rosa, California, Baron perpetrated another murder for which he was convicted in December, 1971. Baron is a vicious contract killer and shylock who has been incarcerated in one place or another substantially all of the time since 1966. He has been subpoenaed to testify on 5/25/72 before the House of Representatives Committee in inquiry into horse race fixing and organized crime.

CLG:clk

Mr. Felt
Mr. Mohr
Mr. Rosen
Mr. Bates
Mr. Bishop
Mr. Callahan
Mr. Campbell
Mr. Casper
Mr. Cleveland
Mr. Conrad
Mr. Dalbey
Mr. Miller, E.S.
Mr. Ponder
Mr. Soyars
Mr. Walkart
Mr. Walters
Tele. Room
Mr. Kinley
Mr. Armstrong
Mrs. Herwig
Mrs. Neenan

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N
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E TESTIMONY

RE RACE FIXING AND ORGANIZED CRIME. JUSTICE DEPT. WAS NOT AWARE OF BARON'S SUBPOENA AND IS NOT IN AGREEMENT WITH HIS APPEARANCE BEFORE COMMITTEE. FOR BUREAU INFO BARON HAS BEEN CONFINED FROM OCTOBER NINETEEN SIXTYSIX TO PRESENT WITH EXCEPTION OF PERIOD MARCH SIXTYNINE THRU JULY NINETEEN SEVENTY WHEN HE WAS UNDER NEW IDENTITY IN CALIFORNIA.

END.

92-9828-40X

[redacted]

REC-103

MAY 31 1972

51 JUN 6 1972

Partial recording of an interview conducted by U.S. Senate Investigator Roy Bodell of Joseph Baron on May 26 through May 29, 1972 inclusive.

JB: Joseph Baron

RB: Roy Bodell

UI: Unintelligible




JB: Teddy Deegan had been involved in an earlier attempt, I said about Deegan being involved in an earlier attempt. I said about Deegan being involved in an $82,000.00 bookmaker's house; taking $82,000.00 out of his house. His name was Don Popelo, and what his name, Soteropoulos was involved; and then there was...if I'm not mistaken Harold Hannan may have been involved in that. Ah then ah...he killed..., uh when the Office (Boston *La Cosa Nostra)* put out a contract on Deegan... Sacamone...Deegan had an argument with Rico Sacamone over pills and Deegan shot him and tried to use that murder as uh, uh, uh, uh, uh a show of strength so that the Office wouldn't fool around with him, ya know. No one would say..." nobody to fool around with," but it only worsened the situation uh then they pulled guns down in the EBB TIDE. Soteropoulos and him pulled guns on Chris Brown and Junior Zappella and uh Zalani which incensed Henry Tameleo. Peter Limone, Peter Limone offered me $7,500 to uh to take out the contract on Teddy Deegan and I got the OK from uh Henry Tameleo. Louie Greco helped set up, uh, uh, Deegan through Roy French, Roy French was all fired up especially when I told him that I would squash the beef he had going with McLean uh because McLean, was mad at Roy French for hiding out Georgie McLaughlin. Ah and uh, um, let me see, uh when uh when he came up and said that that he could... that Deegan was going on a score which was really involved a finance company over the Lincoln National Bank in Chelsea, he says that Soteropoulos was involved too so that uh uh I finally lined up the score after Limone said that he added an additional $2,500 to the pot which Henry Tameleo okayed, making $10,000 for the hits. Uh...they were suppose to go in an alley...

RB: UI

JB: Yeah but it wasn't, it was.n't, it was two hits, because Soteropoulos never got it. I had a bulletproof vest on and u' Romeo Martin and Louie Greco went inside the alley and Roy French walked into the alle / with Deegan and uh I was supposed to jump out of car, uh, up the street from them with ah, Ronnie Casesso and Joe LaHase was gonna get behind the wheel and I had a bulletproof vest and a .357 magnum and Ronnie had. 357 magnum, we were supposed to run across the street in broad daylight and stay on the corner in front of the Lincoln National Bank until we heard the shots, once we heard the shots we were supposed to run across the street at Soteropoulos and start shooting at him with a .357 magnum, and uh he didn't have no gun we found out later but uh a law came by in plain clothes and saw the number plate bent on the car we were sitting in and he came over to the car and uh said, "your number plate in the back is bent," so rather than get out of the car I just pulled away and uh I left Ronnie Casesso down, ah down on the corner near a place called the Bagel Factory in Chelsea, uh and he ran up the street where Chico was, Chico was up in a legitimate car, eh and before he had really time to warn the guys in the alley about, about the law being around the cop pulled up and he had to sit in the car with Chico, and uh, uh Deegan was killed. Roy French fired the first shot and when he was down Louie Greco came out of his spot and started firing, and Romeo came out ... and the last thing he did before he was leaving was pull out ...put a shot uh the last shot in Romeo's head. Ah and uh Soteropoulos was waved back. As Roy French came out of the alley cause Roy French was shocked to see Soteropoulos still in his car so he waved him away and Soteropoulos went and got Farese, and Farese, and he said that Deegan and Roy French were in trouble down in Chelsea. What? My voice is hurting, uh, uh, let me see, uh Soteropoulos went down to the station with Farese assuming that, assuming, assuming that uh Teddy Deegan and Roy French had gotten into some trouble with the law. That they were (UI). But when Farese went in screaming asking where his clients Deegan and Roy French were, the law showed him where Deegan was and he was

in the alley ,dead, and they said to him, " now what are you talking about Roy French?" And Farese started sputtering and stuttering, stuttering, and threw them off but yet the law still remembered Roy French's name and went down to see Roy French, and they saw blood on his shoes at the EBB TIDE . You see Roy French was working as a bouncer, as a bouncer, at the EBB TIDE, and sneaked off to do this hit and came back and nobody even knew that he was gone. So he said that he had broke up a fight earlier. I got the money the next day, I got the $7,500 from, from uh Peter Limone and uh we cut the money up and I gave it to Louie Greco and Louie Greco went back to Florida and um that was the Deegan hit.

**SOLATION SEGREGATION RECORD**

(Strike out Status Not Applicable)

| Date | No. | Name | Cell | Officer Filing Charge | Ordered to (Seg.) (Isol.) |
|---|---|---|---|---|---|
| 1-72 | B-38509 | BENTLEY | 1 | | Lt. C.D. Smi |

arge: Rec'd from U.S. Marshall Wash D.C.
P.C. will receive all P.C. Privileges "ANY QUESTIONS" concerning this man will be refered to Lt. Kimo.

| Date | REPORT ITEM | Initials |
|---|---|---|
| JUN 14 1972 | Shower — Med [illegible] | SAR |
| JUN 15 1972 | Routine | T |
| JUN 16 1972 | Routine Med 8:45 PM | T |
| JUN 17 1972 | Routine Med @ 8:45 PM | T |
| JUN 18 1972 | Shower — Med @ 8:30 PM [illegible] | SAR |
| JUN 19 1972 | Routine Med @ 9:45 P | SAR |
| JUN 20 1972 | Routine — Med 8:30 PM GB | SAR |
| JUN 21 1972 | Shaved - Shower Med @ 8:30 [illegible] | SAR |
| JUN 22 1972 | Yard 3rd Watch Med @ 8:00 [illegible] | SAR |
| JUN 23 1972 | Yard Med @ 8:00 [illegible] | T |
| JUN 24 1972 | Yard — Med @ 8:00 PM [illegible] | T |
| JUN 25 1972 | Shower Med @ 7:45 [illegible] | SAR |
| JUN 26 1972 | Yard — MED 8:00 PM RHS | SAR |
| JUN 27 1972 | PM Yard Med @ 9:45 [illegible] | SAR |
| JUN 28 1972 | AM Yard Med @ 8:30 PM [illegible] | SAR |
| JUN 29 1972 | AM Yard Med @ 8:00 PM [illegible] | DDS |
| JUN 30 1972 | AM Yard — Med @ 8:00 PM | EL |
| 1 1972 | AM Yard — Med @ 8:30 PM [illegible] | EL |
| 2 1972 | Shower Med @ 7:55 PM [illegible] | SAR |
| 3 1972 | Yard — MED 8:30 PM | SAR |

EXHIBIT 473

BENTLEY B-38509 Cell 1

STATE OF CALIFORNIA — RONALD REAGAN, Governor
DEPARTMENT OF CORRECTIONS
SACRAMENTO

June 2, 1972

Mr. Chris Nolde
Associate Counsel
Select Committee on Crime
House of Representatives
Congress of the United States
Washington, D.C. 20515

Re: Joseph BARON

Dear Mr. Nolde:

Recently the above named individual testified before the Senate Select Committee on Crime. Prior to his testimony his identity and previous activities were generally unknown to inmates and personnel of this department. During the period of time while he was in Washington, Mr. Baron chose to discuss his situation with a number of officials. Even prior to his transfer to Washington, he alerted other inmates at the institution where he was housed that he was en route to Washington to testify. He further gave these inmates information about his activities which placed him in considerable danger.

When Mr. Baron was returned to our facilities, United States Marshals delivering this subject insisted that he not be placed in general population and strongly suggested, as have others, that he not be housed in the institution to which he was returned.

As a result of Mr. Baron's inability to keep his identity and activities limited, it has now become necessary that I take very stringent action to insure his protection. Under these circumstances it is not possible to reduce his custody and allow him to mingle unnoticed among other inmates. Effective this date, I have directed that he is a protective custody case and that he is to be housed in maximum security within a facility of this department. He will not under any circumstances come in contact with other inmates.

Such actions on my part imposes restrictions on Mr. Baron which I hoped would not be necessary. I am certain that my actions in this matter will probably affect his willingness to continue to cooperate with the United States Government. I write you so that

BSF-00881

EXHIBIT
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you can hopefully understand the position which Mr. Baron has created which leaves me no alternative if I am to guarantee his physical safety. I will advise you periodically of any change in his status and will continue to cooperate with you as you deem necessary and appropriate.

Very truly yours,

R. E. COYLE
Assistant Director
Law Enforcement Liaison

REC/mgc

cc: Mr. William E. Hall
Associate Director
United States Department of Justice
United States Marshals Service
Washington, D.C. 20530

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PROVIDENCE, SC. SUPERIOR COURT

STATE OF RHODE ISLAND

VS. IND. NO. 69-769

RAYMOND L. S. PATRIARCA

DEFENDANT'S MOTION FOR NEW TRIAL ON THE GROUND OF NEWLY DISCOVERED EVIDENCE

Now comes the defendant, through counsel, and respectfully moves that this Honorable Court grant a new trial on the above indictment based upon newly discovered evidence. Defendant was convicted on the above indictment, alleging Conspiracy To Commit Murder, by jury on March 26, 1970, and his appeal therefrom is presently pending before the Supreme Court of Rhode Island.

On March 26, 1970 the jury who returned a guilty verdict on the above indictment was unable to reach a verdict on indictments 69-767 and 69-768, alleging Accessory To Murder, said indictments being tried jointly with indictment number 69-769.

Following retrial on indictments numbered 69-767 and 69-768, a second jury found the defendant not guilty on both indictments on June 4, 1972. (R.J.D.)

For the first time, during the retrial of indictments 69-767 and 69-768, new evidence was presented by the State, said evidence being newly discovered by the defendant at that time.

In brief summary said evidence includes, but is not limited to the following:

(A) During the trial which terminated on March 26, 1970, the prosecution's main witness, John J. Kelley, testified that he met with the defendant in front of the Gaslite Restaurant in Providence during the evening hours ON SATURDAY, APRIL 6, 1968.

SUPERIOR COURT
FILED
MAR 2 1976
Joseph S. Cafiero
CLERK

EXHIBIT
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and allegedly had a conversation with the defendant and co-defendants, which conversation was the sole factual basis for the charges against the defendant in all three indictments, 69-767, 768, and 769. The defendant did not produce any defense concerning either his own whereabouts or the actual whereabouts of witness John J. Kelley ON SATURDAY, APRIL 6, 1968. As previously set forth, the defendant was convicted on indictment 69-769.

During the trial which terminated on JUNE 9 (A.D.) 1972, prosecution witness, John J. Kelley, now changed his testimony and testified that this alleged conversation with the defendant and the co-defendants in front of the Gaslite Restaurant actually occurred ON SUNDAY, APRIL 7, 1968, and that when he previously testified in March, 1970 that it was ON SATURDAY, APRIL 6, 1968, this was INCORRECT AND WAS A MISTAKE. The defendant produced a complete alibi defense as to his own whereabouts on SUNDAY, APRIL 7, 1968 as well as producing defense witnesses who testified that ON SUNDAY, APRIL 7, 1968 they were with John J. Kelley in Boston, Massachusetts and that Mr. Kelley was not in Providence during the evening hours of SUNDAY, APRIL 7, 1968. The defendant was acquitted on both indictments, numbered 69-767, and 69-768.

[B] Also, during the first trial which terminated on March 26, 1970 the State's main witness, John J. Kelley testified that during several alleged meetings with certain co-defendants (tried jointly with the defendant), including the alleged meeting with the defendant in front of the Gaslite Restaurant inProvidence, that codefendant, Frank Venditucli drove Mr. Kelley in Mr. Venditucli's 1967 Green Chrysler. Mr. Venditucli was a fugitive from justice at some location unknown to the defendant from the fall of 1969 to early 1972, and therefore, the true facts concern-

ing this automobile could not possibly have been ascertained by the defendant.

Following Mr. Vandinoli's being taken into custody in early 1972, he was first interviewed by defense counsel for the defendant and it was learned that Mr. Vandinoli's car could not have possibly been in use as testified to by Mr. Kelley during this time. Implicating the alleged driving to the meeting with the defendant in front of the Gazillo Restaurant in Providence, since at was in an automobile repair shop with extensive damage to the entire right side of the vehicle. And during this exact period of time while the automobile body damage was being repaired and the vehicle being painted, this automobile was up on a hoist and did not leave the body repair shop. This evidence could only be discovered by the defense subsequent to the first trial. Said evidence be to the true location of this vehicle was first presented by the defendant at his retrial which terminated in an acquittal on [redacted], 1972 on Indictments 69-767 and 68-768.

The defendant respectfully states:

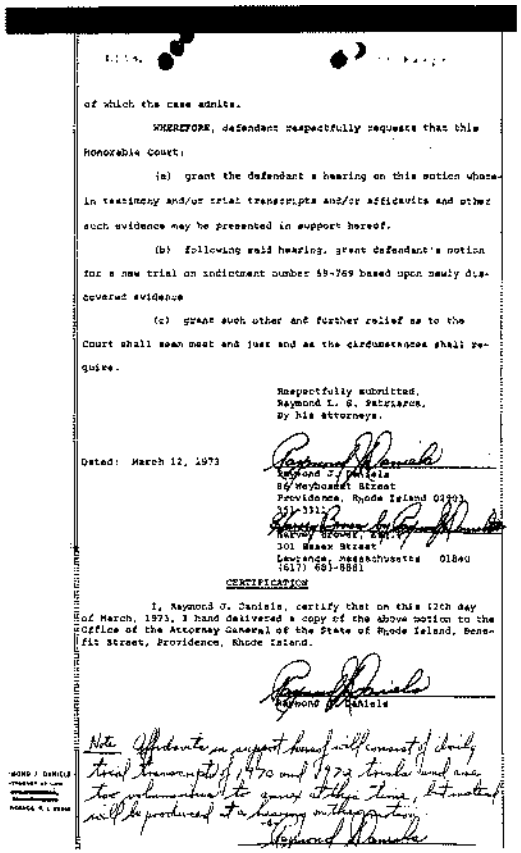
(1) That the evidence and not merely it's materiality for admissibility is newly discovered and was not known to the defendant in time to enable its production at the trial which terminated on March 26, 1970.

(2) That the evidence is not merely cumulative

(3) That the evidence is such as to render a different result probable upon a retrial of indictment number 69-769

(4) That the defendant could not by the exercise of reasonable diligence have discovered and produced the evidence at the trial which terminated on March 26, 1972

(5) That these facts will be shown by the best evidence



of which the case admits.

WHEREFORE, defendant respectfully requests that this Honorable Court:

(a) grant the defendant a hearing on this motion wherein testimony and/or trial transcripts and/or affidavits and other such evidence may be presented in support hereof.

(b) following said hearing, grant defendant's motion for a new trial on indictment number 59-769 based upon newly discovered evidence

(c) grant such other and further relief as to the Court shall seem most and just and as the circumstances shall require.

Respectfully submitted,
Raymond L. S. Patriarca,
By his attorneys.

Dated: March 12, 1973

Raymond J. Daniels
86 Weybosset Street
Providence, Rhode Island 02903
351-3311

Harvey Brown, Esq.
301 Essex Street
Lawrence, Massachusetts 01840
(617) 683-8881

CERTIFICATION

I, Raymond J. Daniels, certify that on this 12th day of March, 1973, I hand delivered a copy of the above motion to the Office of the Attorney General of the State of Rhode Island, Benefit Street, Providence, Rhode Island.

Raymond J. Daniels

Note Affidavits in support hereof will consist of daily trial transcripts of 1970 and 1972 trials and are too voluminous to annex at this time, but instead will be produced at a hearing on the motion.

Raymond J. Daniels

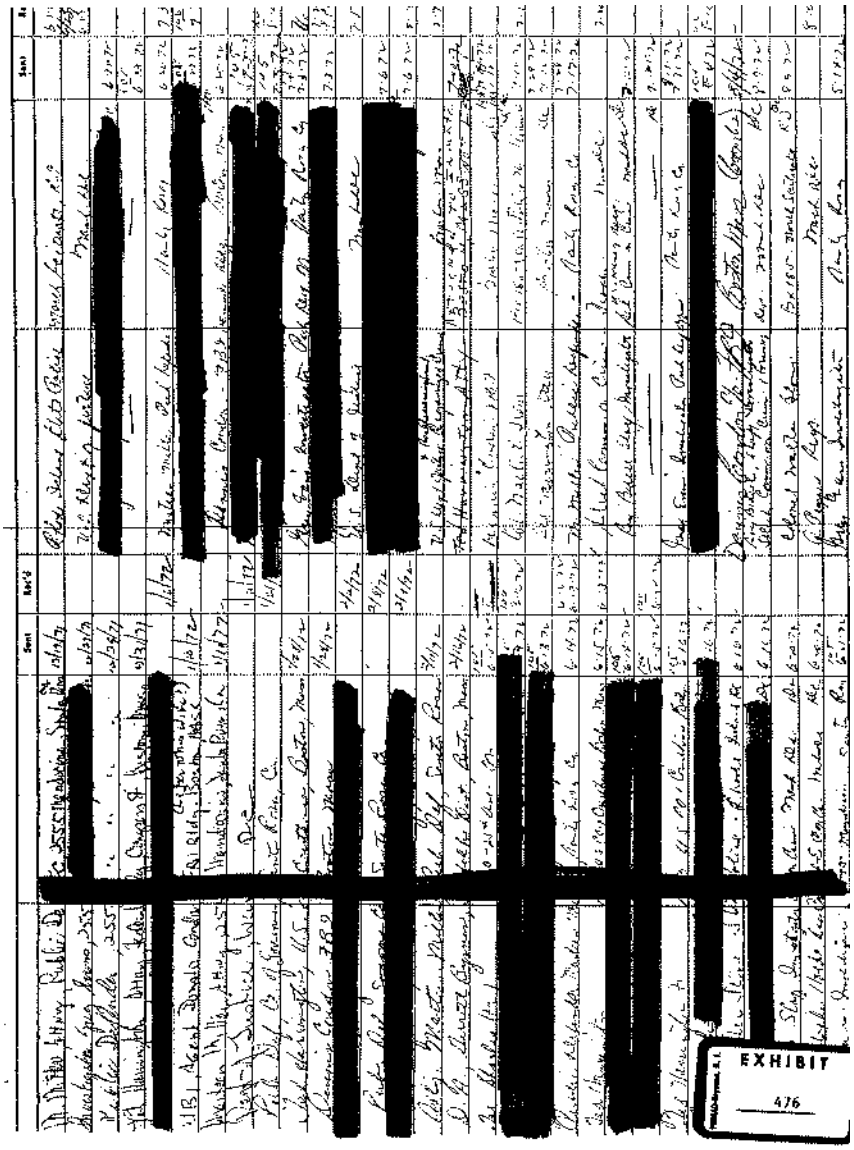


EXHIBIT
476

DC-116

Name [illegible]

Box No. B 3[illegible]

Date June 13, 1972

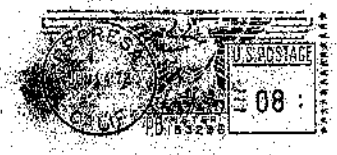
Dear Marty,

I received your letter with the greatest delight in regards to the letter you wrote Mr Procun I suppose you saw my ugly mug on T.V. lately well at least I am better looking then "old six pac Greg Evans, who doesn't want to write me no more! Right now I am in isolation in Folsom State Prison which is just temporary but in tim you will understand why. I have written a book which up till now is 450 pages. I plan on having the writer interview you "if it is alright you" & some others too who have consented lik Harrington, Condon, Doyle, Stone & others. My rece trip cost me a beautiful job in Tehachapi. I was suppose to cook for the Staff in minium custody in the Snack bar. But in the final analysis I am sure it will be more rewarding then the job. You know Marty, the time you took to write a letter to Mr. Procunier, & also especially the time you & Greg took to see Mrs Eggers at Vacaville was & is really touchi & heart warming, words can not describe my appreciation! I've listen to you constantly & have taken your advice explicitly & will contin to do so if you care to keep in contact with me and advise me. Give my best to "6 Pack" & the office.

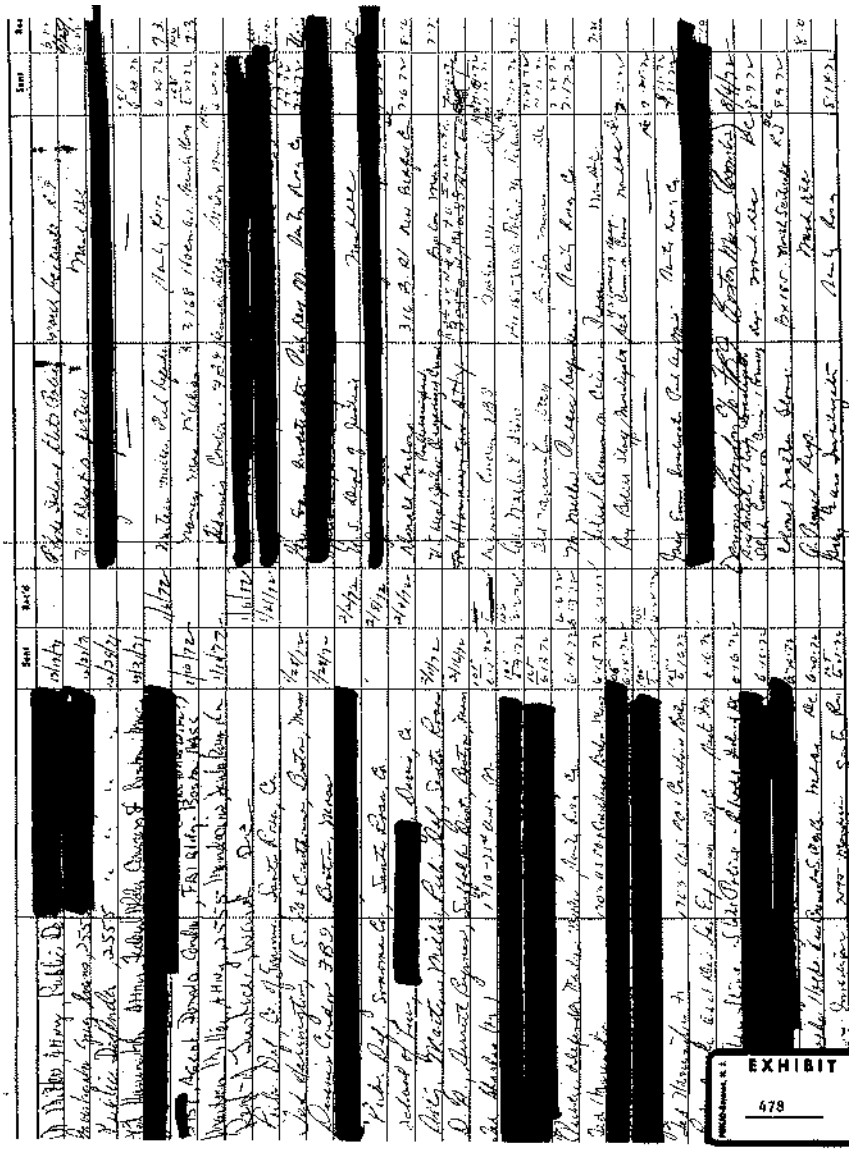
EXHIBIT 477

Sincerely
Joseph Bentley

T. Bentley
Box B 38509
Represa, Calif., 95671




Chief Public Defender Marteen Miller
County Of Sonoma
Rm 215-J Hall of Justice
2555 Mendocino Ave
Santa Rosa California 95401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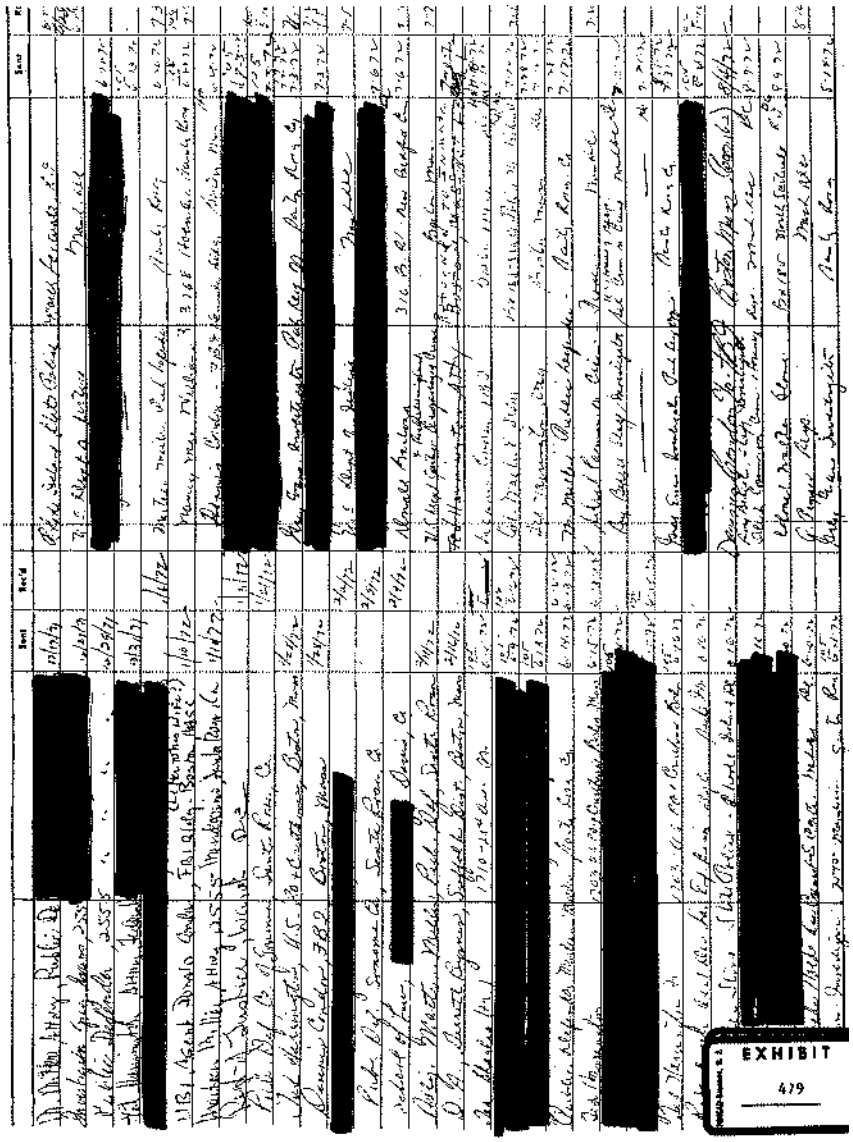


EXHIBIT
479

1703 U.S. P.O. & Courthouse
Boston, Massachusetts 02109
June 19, 1972

Mr. Joseph Bentley
Box No. B 38509
Folsom State Prison
Represa, California 95671

Dear Joe:

Just received your letter of June 13, 1972. I was very sorry to hear that you are presently in isolation at Folsom State Prison due to the national publicity which your testimony before the Congressional Committee received. I am sure that you feel that your appearance in Washington was worth losing your minimum custody status at Tehachapi.

Any information involving organized crime which you have provided to the Pepper Committee and/or to attorneys with the Justice Department in Washington will, I am sure, be accorded due consideration by them. You are well aware, I know, that there is no requirement for you to testify in any new cases in order for the Department 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.

Sincerely,

Ted Harrington

BSF-00892

EXHIBIT
480

State of California

# Memorandum

Human Relations Agency--Department of Corrections

To: Visitor Processing Officer

Date: June 20, 1972

File No.:

Subject: Approved Visitors for Bently, B-38509

From: H. Morphis
Associate Warden, Custody (Acting)
Folsom State Prison, Represa 95671

This memo will grant approval to Mr. and Mrs. Sharliss of San Francisco to visit the above inmate. When they arrive, they are to be processed by regular routine prior to permitting the visit.

H. Morphis
Associate Warden, Custody (Acting)

HM:wa

cc: C-file
AWC file
Visiting Sgt.



CDC-116

Name Joseph Bentley
Box No. B38509
Date June 21 Wed. 1972

EXHIBIT
482

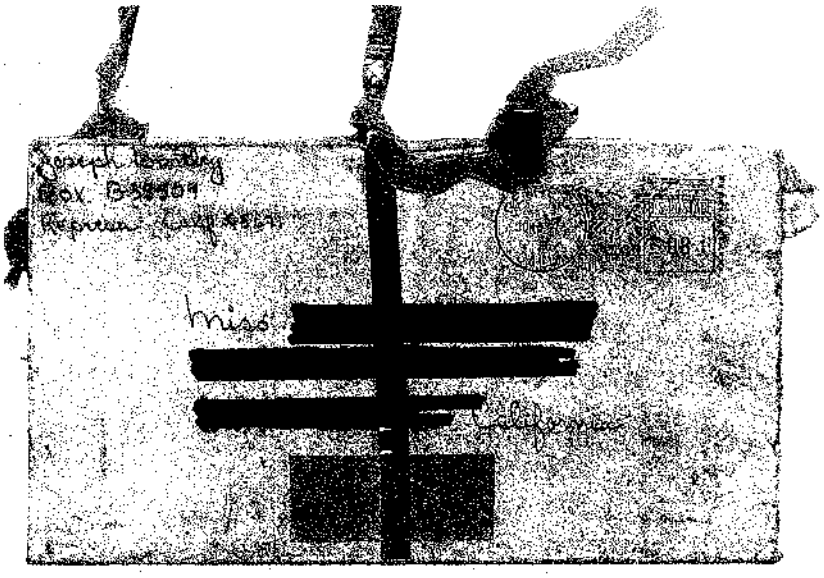
Dear Miss [redacted]

I write this in deep & in unbounded gratitude for the
nd service you did Ted Sharliss & myself for
ing your professional ability to unscramble my poor
iterate writtings on my manuscript into a work
art! The theme of the story is far from anything
e should be proud of. But if in someway through
is book that it should cause & add to the publi
vareness of the diabolical menacing foothold whi
e Mafia is embracing this country so that at lea
e person will stand up & fight, then your work
d's work, & my endeavorments will not entirely i
e least be in vain!

It as bothered me, so I find relief now in hastenin
add, that it is not my habit in any shape manne
form to use the slightest bit of obscenities in front
woman no matter what her life style may be. Even
e girl in the book I refered to as [redacted]. Wh
d, approached me as to your willingness to type
e book I was somewhat adament against your
eading various trashy parts, but he said that you
ere willing. At times when I thought of you
ping the book I blushed, and I want to apologi
you in respect towards your womanhood for
. It may not need to be said but with my
nceptts, ideals & beliefs on life I have to
n my own self respect! I hope you understan
hat I mean & am trying to say. You might as
[redacted] my views on that.

have not [illegible] opportunity to see
manuscript yet. [illegible] brought [illegible] here today for
e to view but was not allowed to bring it in. But
he all was rave in ecstasy over it. He was
pecially proud of his story & now fancies himself
Truman Capote! "smile"
miss [redacted] I promised in the very beginning
t [redacted] would have the 1st autograph
y of the book. I would like to give you the
d autograph copy of the book if you would
ke one? You may then stick it in your
ok shelves amongst the Ghouls, Vampires and
rror books! "smile"
Without sounding nauseatingly repetitious but
feel ever so indebted to you for your time
kindness. So again I thank you [redacted]
I wish you [illegible] & may all your [illegible]
sires come true.

With Honest Sincerity
Joseph Bentley


miso

Thursday, June 22, 1972

Joe:

First of all, I don't expect that you are going to be too happy over me in any case, but I remember a couple of things you said in 1970 and 1971-----once you said to me that we had common enemies in these people, meaning Gerry and the others; then in a letter to the newspaperman here you said that in the "end th will abandon Geraway too, as they helped put Geraway in prison." I find that i is all too true. You're no bargain, Joe, neither one of us are, but compared t these people and the things they promote and the double-crosses---I have count 14 major ones-----we aren't as bad as it would appear.

Let me establish who I am to you so you will know this letter isn't being writ by a fed or one of the Italians. Willy's Ace----Willy's Base-----Willy's Case----

I know that nothing cancels out how you must feel about me and your trial---bu even the worst of enemies sometimes join for the sake of mutual convenience to sink a common enemy. I may be going before the Pepper Committee-----if so, I do intend to do you any harm. I intend to bury Angiulo and Chisholm. By the way, Chisholm had the information on the Wilson thing before ANY law enforcment of had it. Chisholm and Angiulo tried the same thing with me that they did with you, and Bailey is just dying to confirm a few things, and as you thought in t beginning, they want Patriarca in prison and just Limone out. All of my major negotiations were with Gerry through Cassesso and often Limone-----Cassesso told me of one particular incident, and I can pass a lie test on it, where Bil Stuart the cop gave a police report to Gerry on Romeo Martin giving him inform on the Beegan murder; Gerry then ordered Romeo killed, Cassesso said he person gave the word also and drove the car and paid for the wake and funeral and tha it cost a g-note. Since he confessed it directly to me, that is corroboration if anyone wanted to testify against him and Angiulo on that particular murder. Also, Bailey intends to move as soon as they can get by Forte-----but it can be prevented-----these people don't frighten me any more than they did you-----I'll go all out against them, and I'll list the double-crosses. I used to think you were exaggerating when you told me of all the double crosses, but I see now, and my sister sees, what they have done and haven't done. So I'm as vindictive as they are----not as well equipped, but willing. And Bailey can be stopped with my appearance before that committee by two simple things--- one, the fee he was to have gotten, which we both know the figure; second, he purposely set that whole thing up, set up the letter of September 1, 1970, knowing you would show it to me, and there was supposed to be a four-word code that you would send in to me----I remember those four words----and that would be the go ahead for me to say that Bailey had broken the privilege and you would plead the fifth-----intentionally setting up a privilege to be broken is unethi to say the least. That four word code, which I'll recite before the committee, is going to keep Bailey off the stand for good; and Chisholm is going to be finished----I'd like to nail Gerry if I could, but I only have half of the case, you would have to give the other half. Until that long series of argumen we had some good hours, and some good mutual friends like Joe Keyes. It is too bad that everything becomes twisted. But remember this----you were with the people, went to the government, and it hurt you-----then you came back to help these people but finally realized that they wouldn't keep their word, and where you are speaks for itself in a way. I've been used by both sides. But at least it appears that the government keeps their word, while these people don' I tried tohe help these people, I really did----and there are 14 double-crosses it is my understanding that Gerry wants me out of the way because I might foul up the Bailey deal. There is a lot more, but before I go into it I want to hea from you-----nothing incriminating----if you want to get back at the bastards th used you----and me----if you want to stop Bailey, let's work together and let



over-----

EXHIBIT 483

BSF-00588

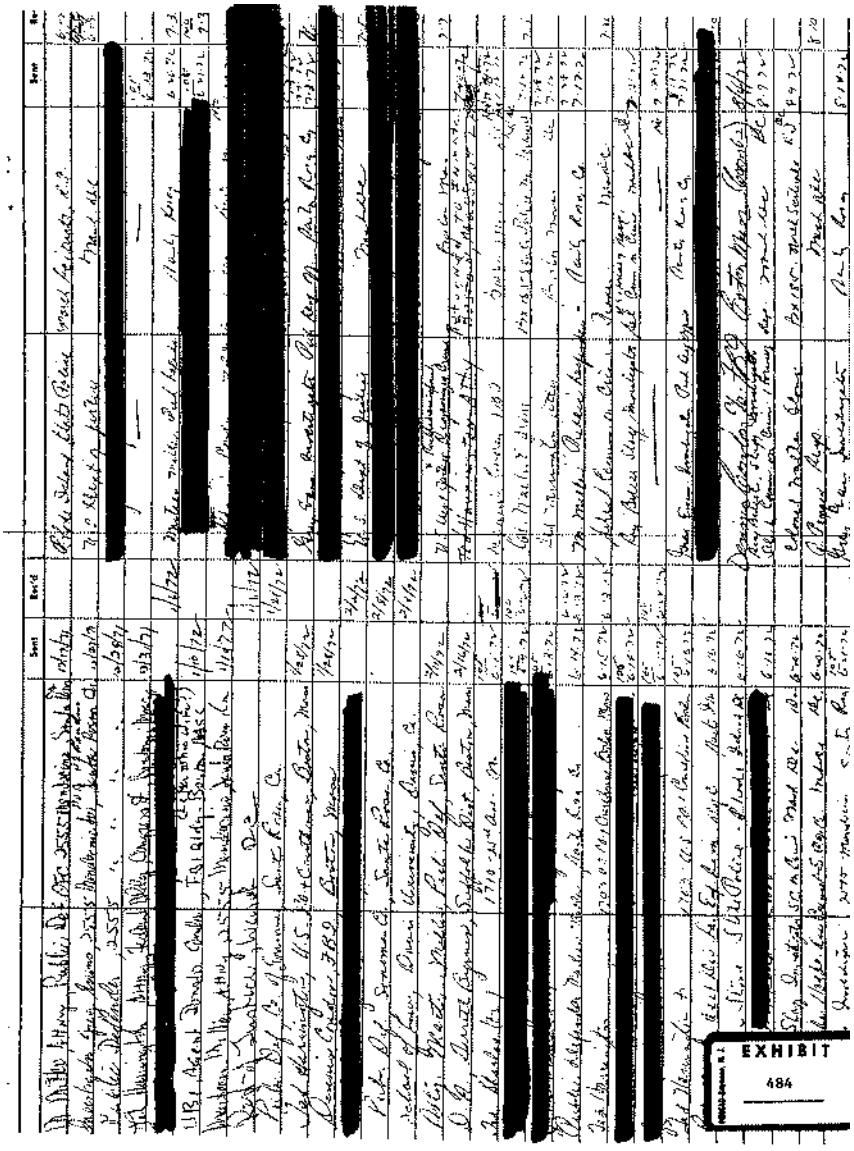
the future bring what it may. They said they had two men with you or aroun
all the time ready to take you out of the picture if they gave the word.
One was Dr. Zorba (Nicky). You know the other.

Let&s both h put our personal griefs and bitterness aside, as strong as yo
must be, and let's nail Bailey and Chisholm and Gerry and Peter——let's s
them that this entire issue can be reversed.

According to your answer, which will be sent me certified mail-return rece
requested (they have to open a letter like that in front of me and can't
read it, and it'll be from my sister) I'll know what steps to take next.
Peter wanted me to push on a certain cop that allegedly took too much to d
and drove off the road one night——he really likes you. So let me know. I
your answer, not someone else's. I know your writing, and it can be sent i
a letter from Louise certified return receipt, addressee only. I'm disgus
with the whole thing, and there is nothing they can do to me. Remember you
said that all it took to be a tough guy was to lose the fear of dying? Wel
I'm at that stage——I don't expect a long life, but I want to be free. I w
live a little, and I want to sink these guys, especially Gerry and Chisholm
and it would be to your advantage to help prove the four-word code on Baile

-B-

Remember a letter I wrote for
To Bailey on August 20, 1970 ??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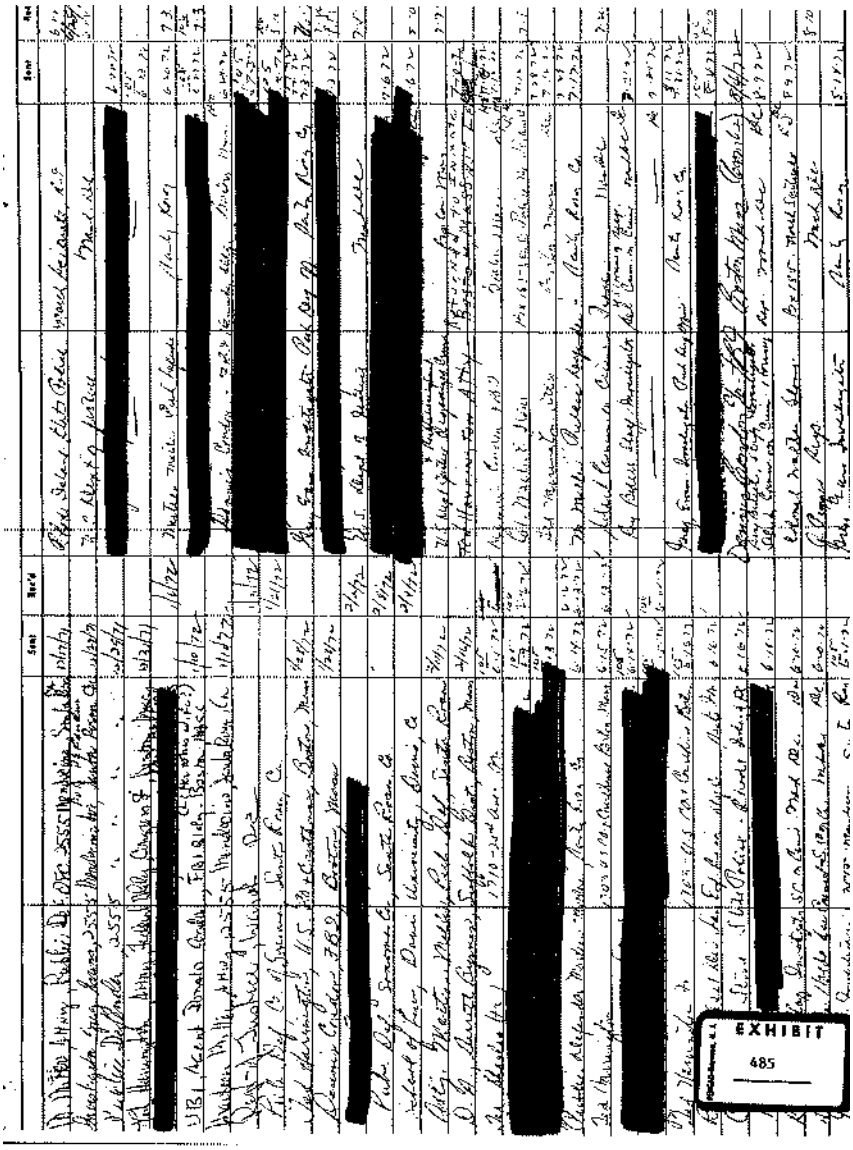


EXHIBIT
485

STATEMENT REGARDING:

JOSEPH BALBOZA BARON (DECEASED)

MADE BY: WILLIAM R. GERAWAY

REGARDING: PAST MURDER VICTIMS AND FUTURE MURDER VICTIMS OF JOSEPH BALBOZA BARON'S



STATEMENT REGARDING JOSEPH BARBOZA BARON (BENTLEY) AFFIDAVIT

DIRECTED TO: ADULT AUTHORITY BOARD CHAIRMAN, CALIFORNIA, W.R.G.
ATTORNEY GENERAL, CALIFORNIA
ATTY. F. LEE BAILEY (future murder victim)
ATTY. RONALD J. CHISHOLM (future murder victim)
VARIOUS FEDERAL OFFICIALS AND NEWS MEDIA REPRESENTATIVES

I, WILLIAM R. GRAHAM, do make the following statement in the hopes of preventing unnecessary and highly predictable murders at some future date by JOSEPH BARBOZA BARON (BENTLEY), presently confined in the State of California for the crime of 2d degree murder, to which he pleaded guilty on Monday, December 15th, 1971 in Santa Rosa, California. Upon admitting that he had wilfully and maliciously murdered one CLAYTON WILSON by shooting him in the head and then burying the body, Baron received a term of 5-years to life. He was promised at that time, by Justice Department officials, that he would be released within 2 years of the time he pleaded guilty.

Until I supplied Norfolk Massachusetts District Attorney and Santa Rosa, California officials with details of the Wilson murder, they were unaware that a killing had even taken place. Such was the detailed information made available to me through conversations with JOSEPH BARBOZA BARON that 2 eyewitness, named by me prior to the initiating of the investigation in September, 1970, were located; I described from memory of conversations with Baron, their home, their automobiles, their names, ages, participation in or knowledge of the crime, the motive, the names of their children and even the name of their dog; and in October, 1970, a body was, indeed dug up and Baron was charged. Although the evidence at trial proved the victim to have been shot twice after death and then buried, Baron pleaded self-defense and then changed the plea to murder in the 2d degree. The point is, Baron DID confide in me; his statements to me have proven entirely and tragically true. In a letter to Sonoma County authorities in October of 1970 in which I discussed the victim they were searching for but had not yet found, I mentioned that Joseph Baron had a second body in Sonoma County whom he had also murdered and buried. In point of fact, authorities have in their possession the murder weapon which was used, although I have refused to divulge the whereabouts of the body, saving it in the tragic event that Baron should ever be released.

I would suggest to anyone who even considers releasing Baron, that he be given a polygraph test conducted on 2 levels to insure fairness, asking him simply if he killed more than two people after his release by the government in exchange for testimony in trials in Massachusetts; and the second target question should deal with whether or not he intends to murder anyone in the future if released.

Although I certainly top his list of proposed future victims, my sister, LOUISE BANFILL, and my niece, JUDITH BANFILL, are also high on the list; another intended victim is the man to whom Baron bragged of having killed over 20 men, ATTORNEY F. LEE BAILEY. Another victim is ATTORNEY RONALD J. CHISHOLM and a Boston man named GERARDO ANGIULO.

In [redacted] 1972 a Congressional Investigator visited me at the State Prison in Walpole, Massachusetts at my request, ostensibly to place together information and materials for possible trials of local Mafia figures. Actually, it was soon clear to me that the investigator, ROY BADELL, from the SELECT COMMITTEE ON CRIME, intended to utilize the interview 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;

continued———

3) To get into the record from my own lips that Baron does NOT have a second body in Sonoma County. And I admit that it has taken months of soul-searching to dare write this document, to incur the wrath of the federal government who must, at all costs, protect Baron lest he reveal that much of his testimony in Mafia trials was complete perjury; that he was labelled a large-scale killer in 1966, then, after perjuring himself in a number of trials, was released and killed again, not once, not twice, but 3 times according to one count and 6 according to another; but kill again he certainly did. In New Bedford, Massachusetts there is a file suggesting that Baron may have murdered a chief of police GIFFORD DUFFEE, whose death was unusual in some respects. Hidden deep in federal files, more openly in state police files in Massachusetts and known to many, many people, is a list of past victims of JOSEPH BARBOZA BARON. To name a few:

JOSEPH ROMEO MARTIN, shot five times by Baron; CARLTON EATON, shot in the head by Baron; RAYMOND DeSTASIO, shot in the head by Baron; JOSEPH FRANCIONE, shot 3 times in the head by Baron. I would like to add that, on September 24th 1971, I was given a polygraph test by a widely experienced expert on a FIVE-POINT KELLER MACHINE, Raymond LaPerl, operator, for SCIENTIFIC SECURITIES, INC., OF BOSTON, on the Eaton and Francione murders, and passed it, proving that Baron had admitted those murders to me amongst others; I have the original report on that polygraph examination as well as a report on an examination conducted to determine whether or not BARON FREELY ADMITTED TO READ A PRIVILEGED TEN-PAGE LETTER FROM ATTY. F. LEE BAILEY TO HIM, THEREBY BREAKING THE ATTORNEY-CLIENT RELATIONSHIP. Baron had previously admitted over a score of murders to Bailey and admitted perjury against RAYMOND PATRIARCA.

Yet, if it were only his past murders thatwere in question here, and considering the extreme reluctance of the Commonwealth of Massachusetts to further embarrass the U.S. Government by prosecuting Baron, or pressing him to the point where he will admit the government's case against Patriarca to have been a frame, I would not pursue this issue. In point of fact, I have a verified "open contract" on my life of fifty thousand dollars to the man who murders me for the mafia; unconfirmed reports place the most recent figure at seventy-five thousand dollars; I am, in fact, a scheduled witness against a Mafia member and his aunt in a Commonwealth case; nor do I have any great sympathies for Raymond Patriarca, since I do not know the man; What I DO know is that Baron framed him to gain his freedom, abused the freedom by murdering numerous times again, and if released will murder a number of people before the Mafia or the Justice Department is successful in executing him. In addition to Mrs. Banfill, Judith Banfill (Gleason) and myself, Atty. Bailey and the others are targets of Baron's. IF JOSEPH BARBOZA BARON IS EVER RELEASED AGAIN IN HIS LIFETIME HE WILL MURDER AGAIN AND THE NAMES I HAVE GIVEN HEREIN WILL DEFINITELY BE AMONGST HIS VICTIMS. THE SIMPLE EXPEDIENT OF A POLYGRAPH FOR EITHER HIM OR ME WILL VERIFY THE MANY MURDERS HE HAS COMMITTED AND THE VICTIMS HE HAS MARKED FOR DEATH IN THE FUTURE.

Made at the Norfolk Prison Colony in Massachusetts and sworn to be true by,

William R. Norraway
WILLIAM R. NORRAWAY

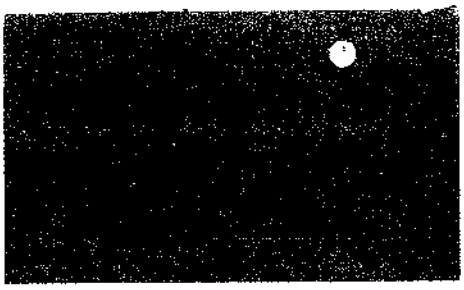
Sworn to before me i n this
county of Norfolk on this
13 day of February, 1973.

Commonwealth of Massachusetts
County of Norfolk ss.

My Commission expires on Oct 30 1977

The above-named man appeared before me and I have attested to the authenticity of this document:

NOTARY PUBLIC



[redacted]

38509
alif. 95671

REPRESA CA
AUG 10
AM
1972
95671

U.S. Postage

Grey P. Evans
3666 Springcreek Drive
Santa Rosa California

EXHIBIT
487

COC-116

Name Joseph Bentley
Box No. B 38509
Date July 2 Sun, 1972

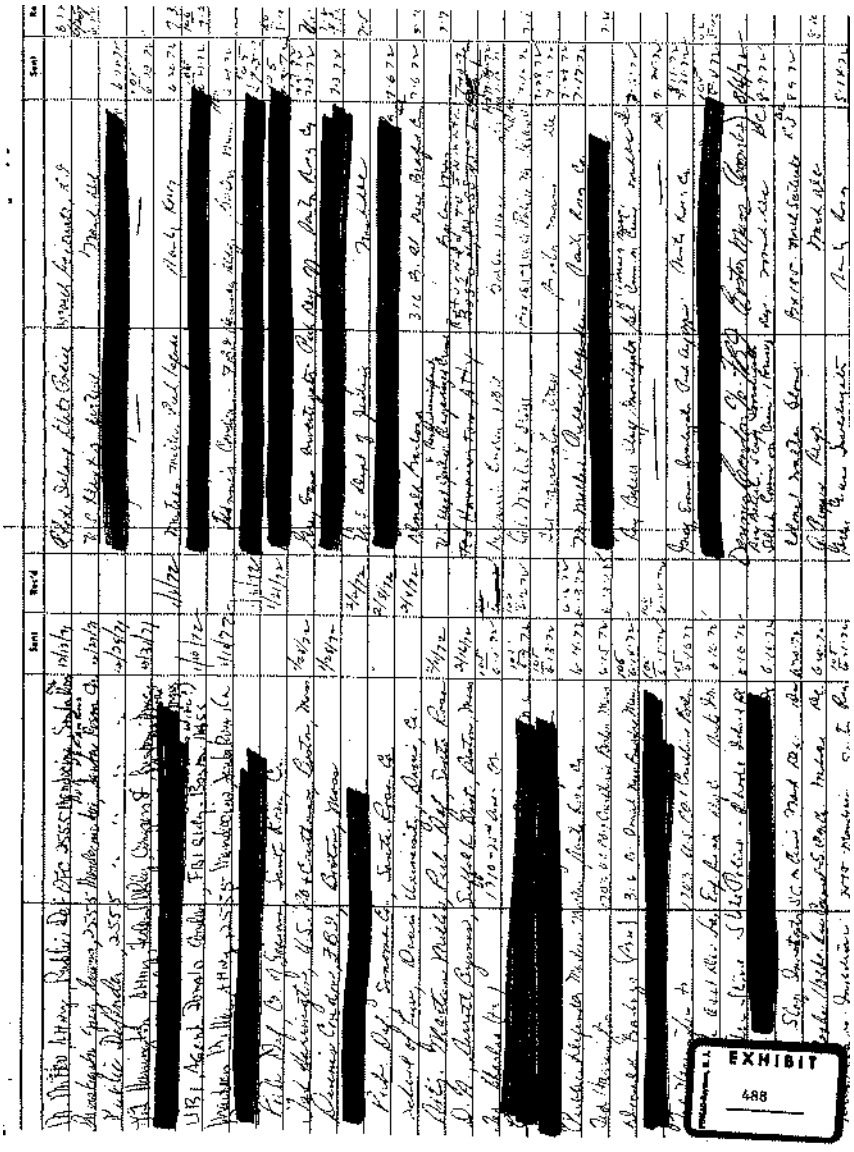
Hi Greg,

I have a couple of favors as usual to ask you. In a few weeks I'll probably be on my trip again & I'll need those two suits, the green & grey one you have of mine, also you have a box of book papers that just as soon as I speak to the Greek ask him if it is alright to send the box C.O.D. his house I'd appreciate it. The suits will have to be mailed special delivery to Wash C.O.D. but you will be informed by phone call, okay six Pack. You sure are slacking it around the waist line! Marty looked terrific! I have been doing all kind of excercises & dieting, I fit into size 34 waist now.

I wish there was some way for you to resolve your recent problem, but you have a strong mind of your own & know what is right, wrong & what you want.

I am allowed to go out in a closed confined yard with heavy security for 5 or 6 hours a day, I do all my excercises, & my proudest accomplishment is doing 200 push ups a day. I am so dark now I could intergrate! Well I just wanted to prepare you for the Greeks call for the box Cod & Wash call for suits special delivery Cod. Give my fondest regards to Marty, & hang in there! Greg you can't help be become a winner!

Your friend
Joe B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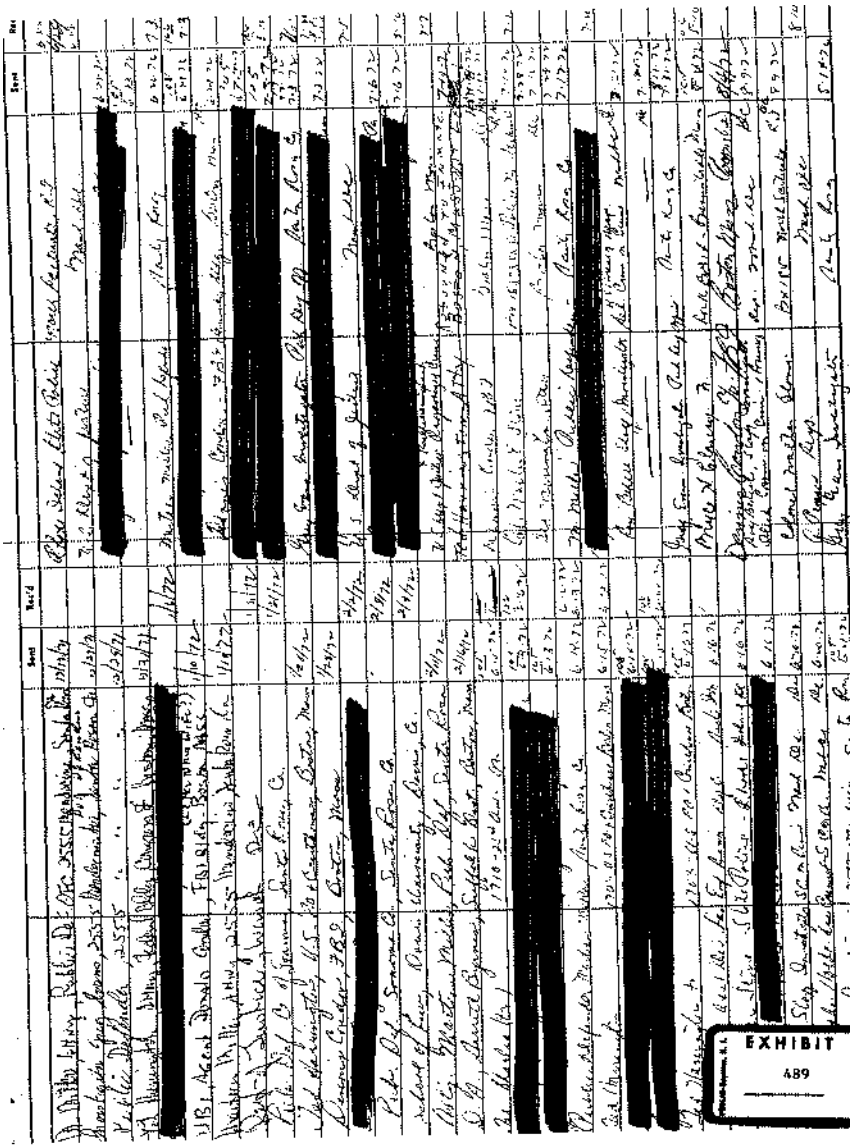


EXHIBIT
489

State of California — Human Relations Agency—Department of Corrections

**Memorandum**

To: J. Campoy, Correctional Captain

Date: July 9, 1972

File No:

Subject: An Implied threat by Mr. T. J. Sharliss

From: Folsom State Prison, Represa 95671

At approximately 9:30 am on Sunday, July 9, 1972 I received a phone call on the outside phone at the Ranch Dormitory. The caller identified himself as a Mr. Theodore J. Sharliss of San Francisco, California. Mr. Sharliss requested a personal interview with me concerning the denial of his request to visit B-38509 Bentley.

I checked with Correctional Officer E. F. Wills, Mail and Visiting approval Officer, and was informed that Mr. Sharliss did not have any identification whatsoever. I then proceeded to the Entrance Gate to interview Mr. Sharliss.

From the outset of our interview, Mr. Sharliss was highly agitated because no one would recognize him as Mr. Sharliss. At this point he handed me an envelope addressed to a Mr. Sharliss from some attorney. Mr. Sharliss stated that this should be evidence enough of his identity. I handed the envelope back to him stating, "I am Mr. Sharless and will you accept that as the gospel truth." Mr. Sharliss then requested my assistance in searching his car to see if we could find satisfactory identification. I informed Mr. Sharliss that I was not going beyond the Entrance Gate to assist in any search for identification. I also told Mr. Sharliss that if he could not find the proper identification papers in his own car, my assistance would be useless. Throughout our conversation Mr. Sharliss kept reminding me of the importance of who he wished to visit and that the visit was authorized by a Mr. Rubin Coyle. I again reiterated that because he did not have any recognized proof of identity (drivers license, etc.) I would not grant him a visit this date.

At this point, I attempted to terminate the interview as I felt I had made my point clear to Mr. Sharliss that he would not be granted a visit without proper identification. I also came to the conclusion that Mr. Sharliss was becoming highly agitated and very hostile towards me. Mr. Sharliss harangued me about his importance and that he knew Rubin Coyle and a few other people in the Department of Corrections and they would take care of me.

Mr. Sharliss then asked me if I knew Rubin Coyle and what his phone number was. I informed Mr. Sharliss that I had never met Mr. Coyle and did not know his phone number. I explained to Mr. Sharliss that he could look up a number in the book and tell the Departmental Officer of the Day who might give him Mr. Coyle's phone number. Mr. Sharliss then stated that he hoped that we would meet outside someday and that I would be sorry I did not show him more respect and courtesy and take more responsibility on my own.

EXHIBIT 490

J. Campoy, Correctional Captain
Page Two
July 9, 1972

At this time, Mr. Sharliss went to the public phone booth located in front of the Represa Postoffice. He violently slammed the door of the booth open and jerked the phone off the hook. After about five minutes he approached me and asked what was the phone number for the Departmental Officer of the Day. I located this number in the regular phone directory for him.

Mr. Sharliss was successful in contacting Mr. Coyle as Lieutenant C. Johnson received a call from a Mr. Coyle. Mr. Coyle asked for the following information to be relayed to Mr. Sharliss:

1. Mr. Sharliss would be granted a visit when he produced proper identification.
2. If Mr. Sharliss became "chesty" again towards Department of Corrections employees he would be denied access to all the institutions in the State of California.

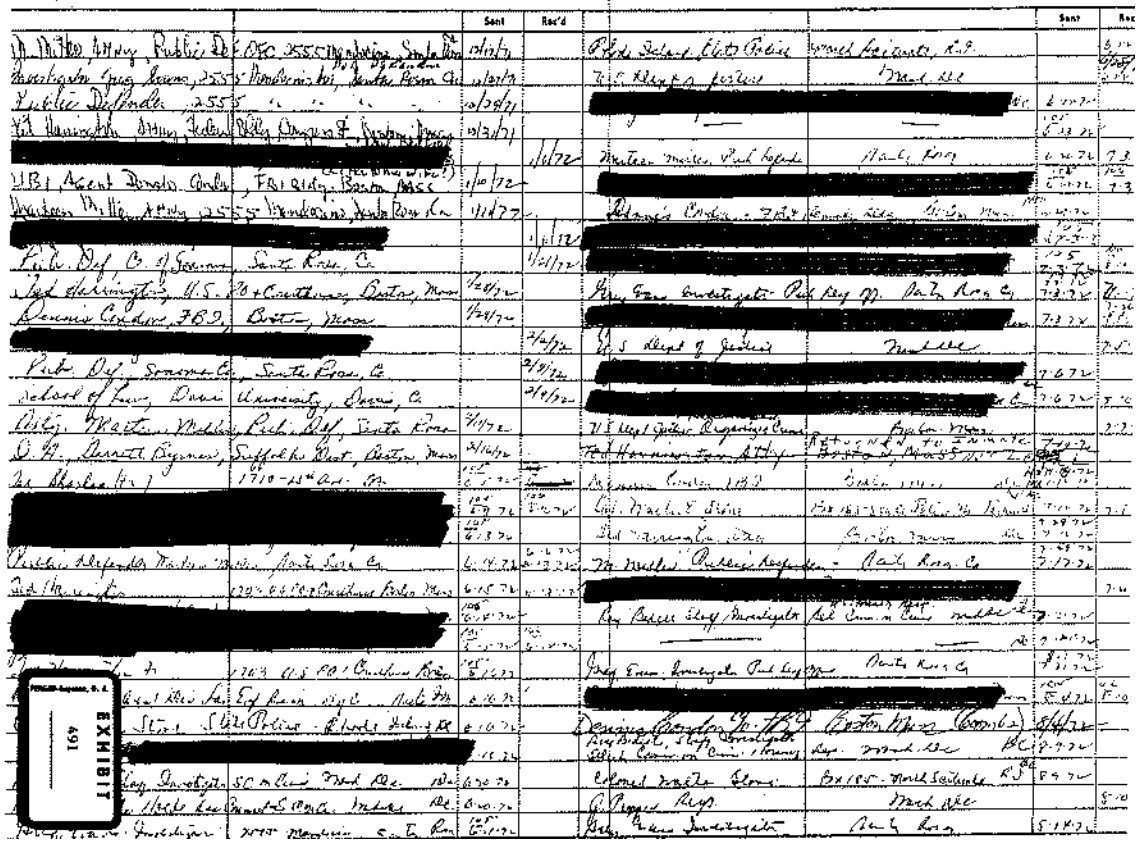
Mr. Sharliss accepted the message in a very subdued manner. Mr. Sharliss stated he would attempt to go to his home and return with the proper identification. Mr. Sharliss did not return on Sunday, July 9, 1972.

This is submitted for your information.

F. Gaul
Correctional Lieutenant

FG/jj

C-File Bentley B38609
Visiting Process Officer



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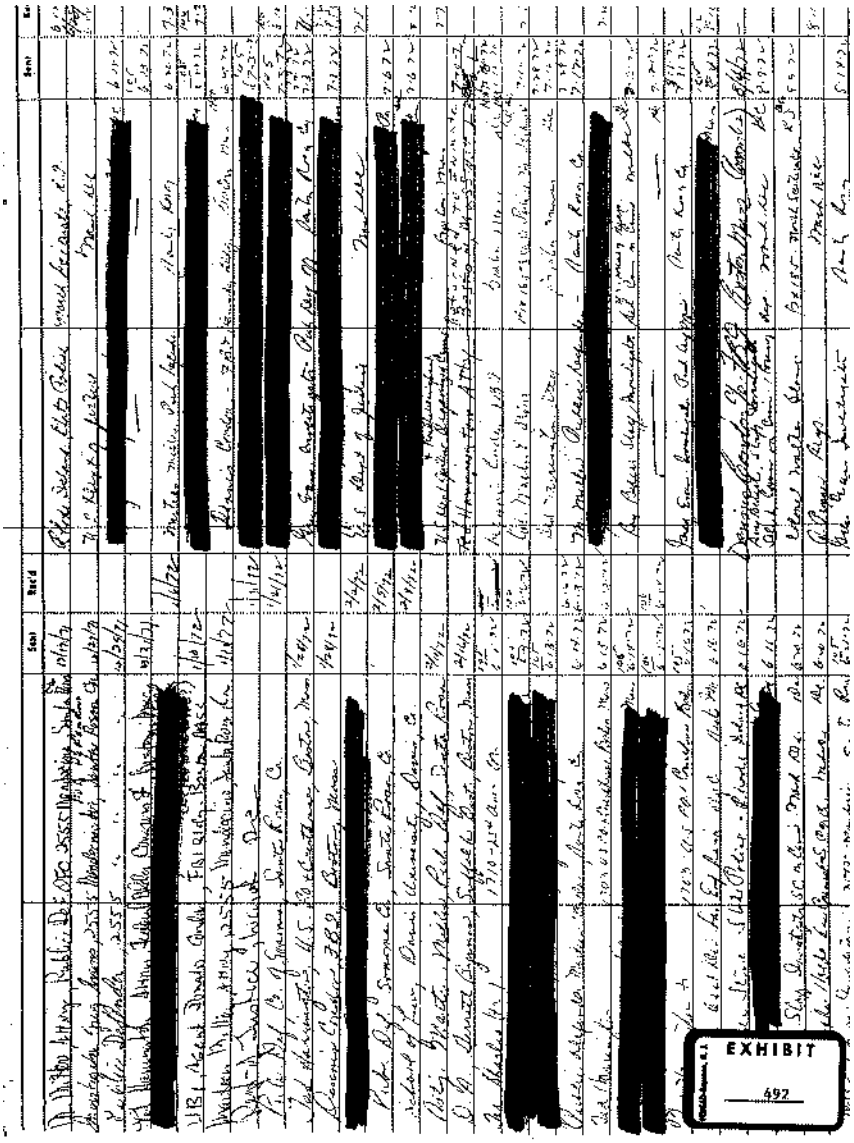
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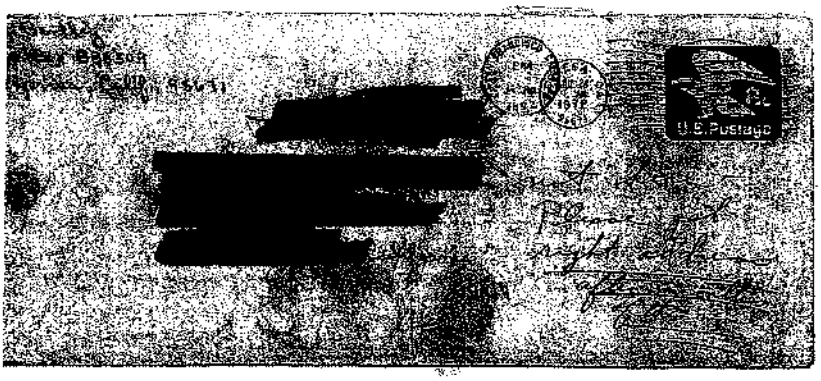



EXHIBIT
493

July 24, 1972

Morning Glory!

Its 6:30 Am. I did all my excercises, had my piec of toast & coffee, picked up your letters reread them & beagled them. I wake up in the morn. thinking of you & got sleep at nite thinking of you. I've got a confession to make since we are holding true confessions & you admit to being 5 ft 4 inchs & 170. I am completely bald, have a glass eye, wear false teeth. Now what do you think of that, teaser "Minä rakas sinä, Jooseppi", means I love you Joseph in Finnish, hul! The Jooseppi, sounds like Guiseppi, in Italian. How come so many dots? Tell me this, how do you like your eggs, sunny side up, turned ov lightly or hard? I like mine sunny side up, & my best way is shired eggs fried in a broiler top heated. Have you ever eaten shired eggs? Positively delicious no dryness & scaley on the bottom & very moist b cooked well. I never knew I raised my left eye brow either but other people that got to know me use to say there goes that eye brow I am leaving, I asked my partners what they meant & told me everytim you dont like something or start to get mad you left eye brow archs, I have a very expressive face when I talk & like alot of Bostonians I use my hands alot talking. When the Cod Fish & I get together its a sight to see! smile Dont be too up with Ted, he promises to do so many things for m that I dont even ask him to do & he never does them. Ted, is Ted, in his own lovable good hearted way & I love him. Yes he might not like the id

ght now, but oh pooh, that is our business & he'll
ome around alright, you just watch. Tell one Honey
where did Raymond say he was afraid of me? The
mealy mouth lia. if he did he was playing the role.
the only thing he s afraid of is loosing his money
the greedy buzzard! We need to explain nothing to
Ted, I told him about our feelings & that is enough
yeh I know alot of women who wear all kinds of
fancy clothes reek nauseatingly from perfumes &
powders, but underneath, their bloomers have skid
marks on them! smile Jo, talks so much about m
to Ted, that Ted, tells me that he tells her "hey
what is it with you & him", & then laughs. But more
truth is said in jest. My poor Ted, sometimes I
feel he is insecure, but I love him & I'll reassu
his confidence. Oh I could just see the Villian walk
into the office & see paint dripping down the wall
I love Joe" he'd fall over backwards & faint! smile
long waisted, long legged 7 or 8 size, now all I nee
are your measurements, what are they? Mine is
46 chest, 34 waist, I dont know about the other. I h
had 15 people comment on how much weight I lost
& I silently feel good. I passed up some very go
food here to lose it. You dont have to wake me up
with a coffee, just wake me up with a great big
kiss & a hug! Well must save some room for tonites
letter, Mondays are usually short ones because you
still havent heard from me, believe me I am not
complaining only I sense your mood, & it saddens me.

3

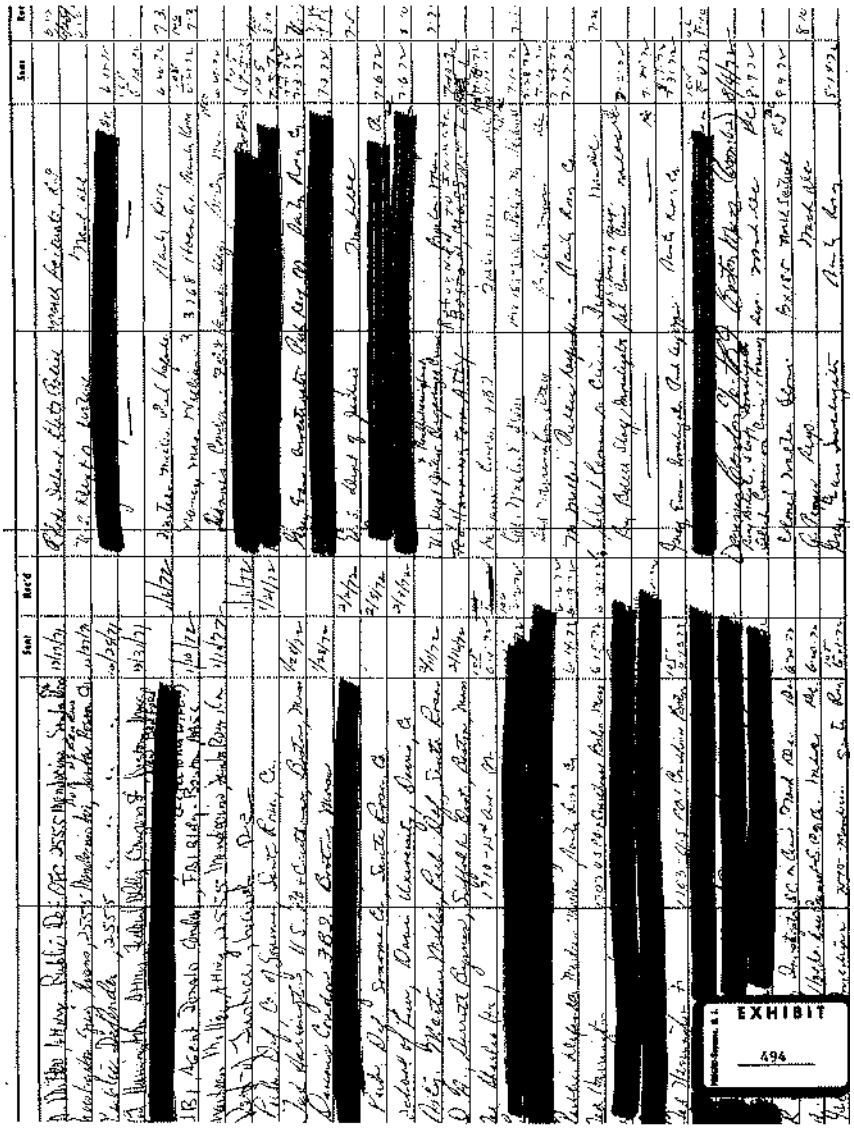
Hi My Green Eyes,

Rec'ed your letter tonite of Sunday. I also received Peanuts & Caen. Which prompted the mail censor to send now for 2nd time for you not to send clippings, or he'll se the letter back, a small Snoopy is nothing, but having to re news clippings adds to the burden of over load of mail to b censored. So beware Beautiful. Old Herb, sure is a troubl maker & must have all those white collar bandits pulling their hair! What a mind on you, I fell out over your G F.V., you don't forget nothing do you Marg! smile. Then the tent in the cellar & what you said blew my mind! Glad to hear that all is well up above though. Did tell you yet I love you? No! Well you can bet those Green Eyes of mine I do! Bev, & her husband sounds fine people. Chinese food, oh my gosh do I miss it, I love it! My standard order is for appetizers, long well d spare ribs, pork ends, or strips, Egg rolls, & I might ad puff shrimp fried in a batter. Then the main dish, I got always have subgum fried rice the wet disk for th rice, is either mushroom chiyoke, it is mushroom & thin slices of beef in a brown oriental sauce, or b tails cracked in a oriental sauce. I like the sweet duck sauce, but ugh the mustard! I always ask f an order of bread & butter too, & we mustn't forget tea! I always go for heavy money when I go, bu don't feel I went if I don't get those things, or swit to a chicken chow mein, with rice. The rice is Portugee in me, I know rice dishs that you'll real

4

re if you like rice, that I make. You just took me
a trip with that Chinese food! I learned to cook chines
od while cooking aboard ship to the orient, + I know
lot of secrets to their cooking. But I hurt my back in
owloon collected $18,500, strange how well my back
eels now? Well you certainly did the house top side
lower deck! Poor plant, + look at all the fun he was
aving peeking! smile just don't lose that apartment or
ove. That apartment is an out sight place + positiv
ell view wise. You'll be surprised what remodeling
e place to your choice will do to it, just wait for
re to get out + we'll do it. The boat sure sounds
ike alot of money to invest in, unless your
oing to live on it. You describe the Emotion of love
eautifully, but jealousy must go, never be jealous
ut have faith + trust! I too was thinking this morning
oday is the 25th and our real first month, + it
oes seem like years we've known each other with
what we have drawn out of each + learned, + the
greatest is yet to come my little turned up nose
love you, I love you + I love you! Rec'ed a letter
hat I am being considered for a return trip, they are
not sure or not yet. I wrote either do one or the othe
ight quick + not leave me hanging in the balance
t my own expense, within two weeks we should
ave a definite answer! Ta, ta, Princess! Continue
miling + being happy + I can stand anything
waiting for you.

Love Always
Joseppi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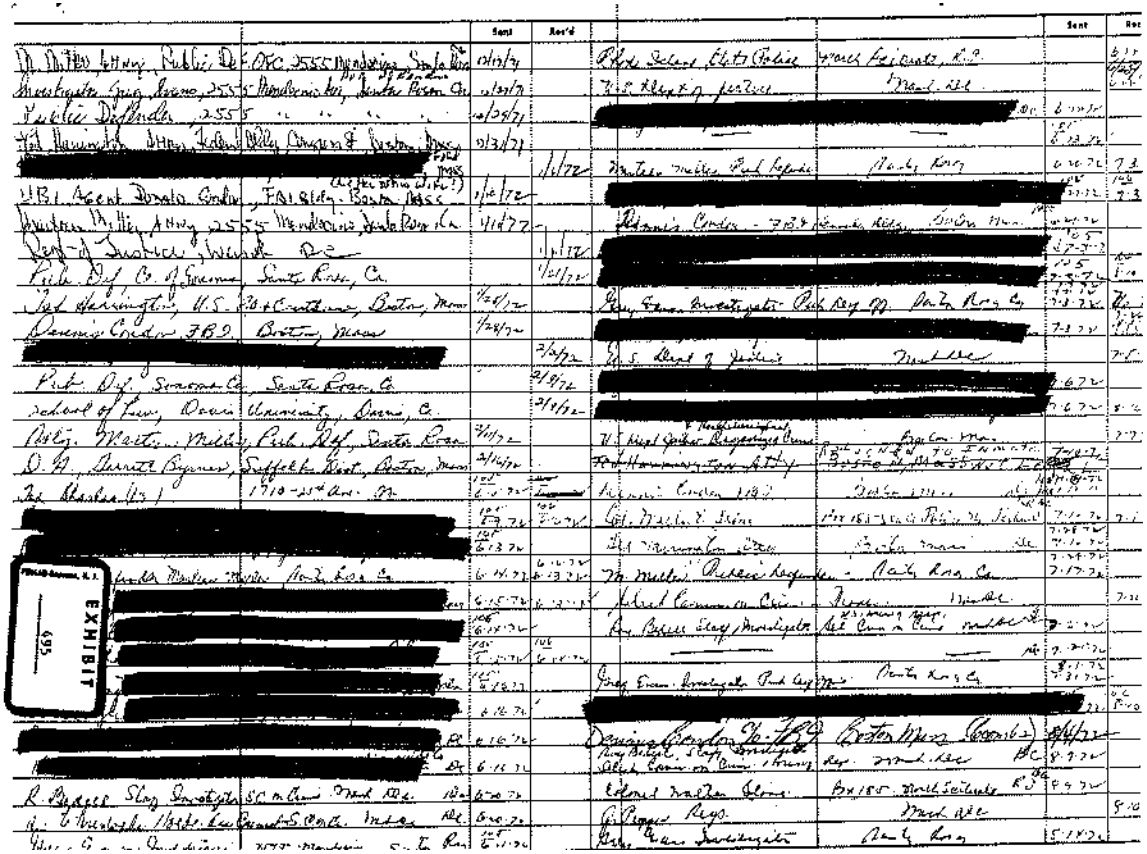

Aug. 4, 1972
P.O. Box B38509
Joseph Bentley

Morning My Pretty!

Well Green Eyes, its a good chance tomorrow I see you or the next day, but by the time you get this letter we'll have already met??!! I read your letter of Castrite about 8 times. It pleases me so much to see & read the happiness I've brought alive in you! Imp, what have you got that is better than ice cream for a reward for my diet? I couldn't possibly imagine what you could give me that is better than a whole pint of maple walnut ice cream! smile, Tell me what it is Imp! You dont have to write about the gippes mouth you have, or being able to trust you, or how dedicated & loyal you are. I already know this. Honey, I saw all this in your letters, I know that you have been hurt bad in your past too, your letters brought out so much that I kept saying to myself is this girl for real. Yes [redacted] where were you when I was growing up & needed you! There is a wise old saying I fancy very much, & its clearly understood by men amongst men, "there need not be any oaths or vows of secrecy & dedication included in a part on a venture whatever it may be because men understand it always & to speak out & pledge these vows is a sign of weakness". I no way imply your expressing how you are Mary is hinting the above to you. I know what you mean by it, its us never having met, its us never having lived with each other, its your assuring your love for me its you Mary & what I already know to be you. I might even sense & feel things in you already that

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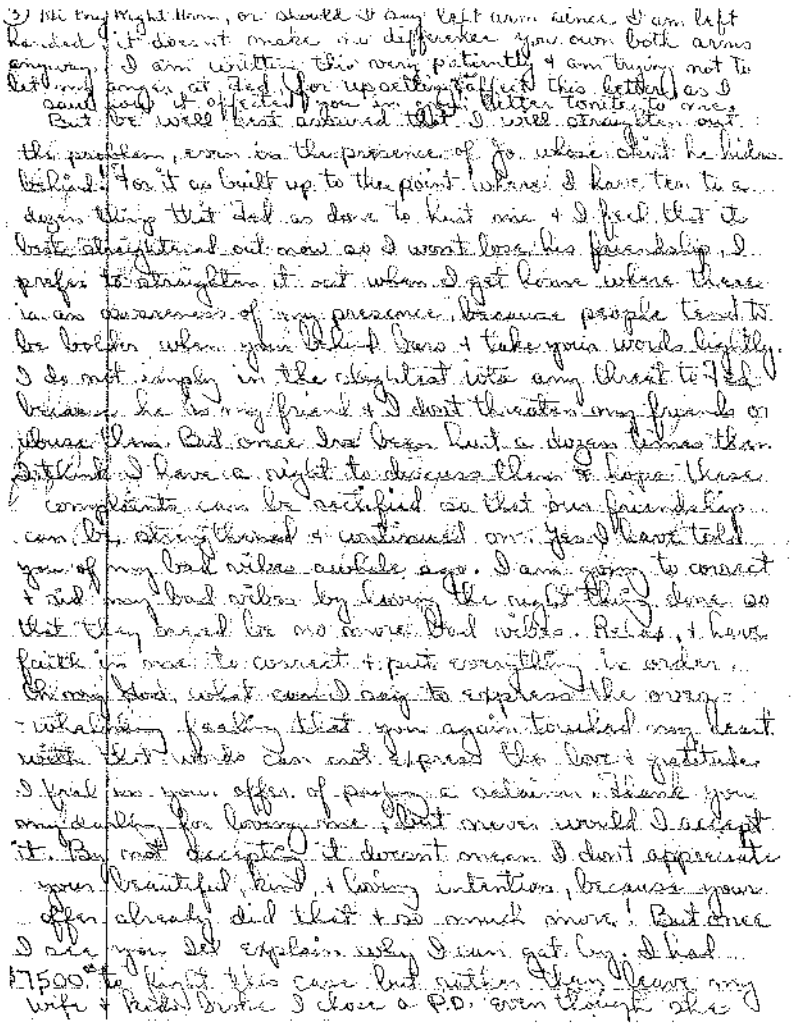
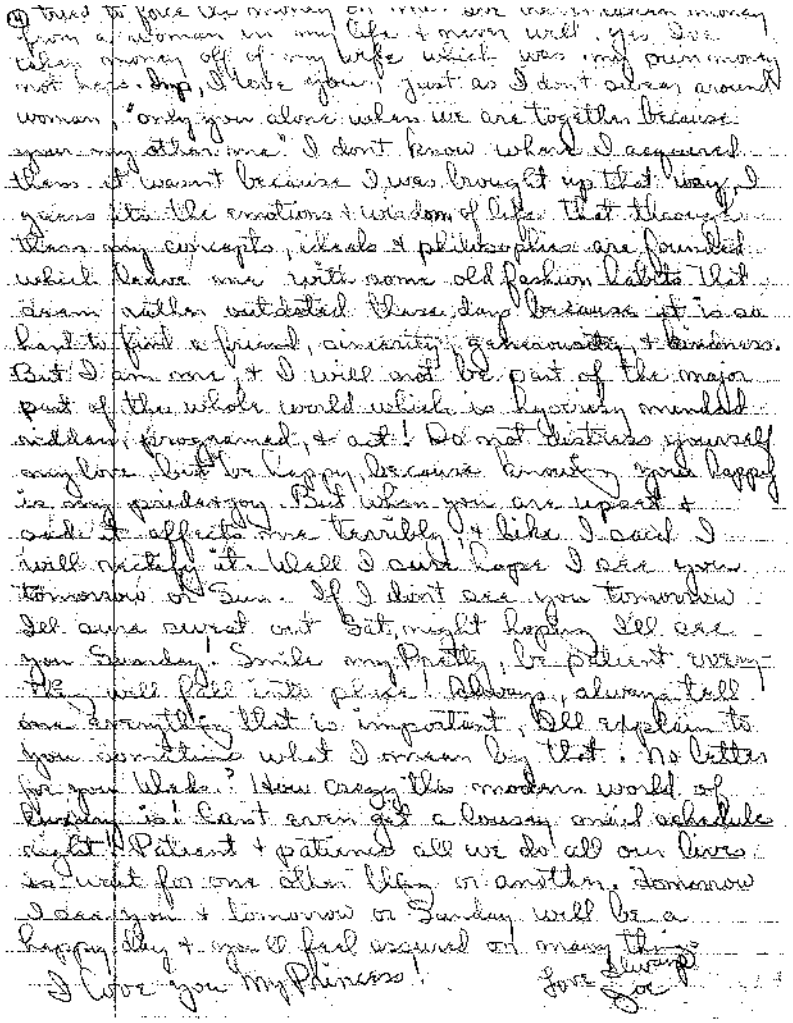
you don't even know you possess, & exist in you. I love you [redacted] I never thought that it could ever be again. I am not a lonely man in a prison cell that is seeking a touch of the outside world by whispering sweet nothings in your ear. If I was out in the street, I know I would have never fell in love again because I wouldn't have let myself get this close to you & you too might have never felt like this towards me. But I learned in your letters, I got close to you, your letters intrigued & fascinated me with your warmth & glowing personality & then all the other pieces that fit into finally I love you [redacted]. Yes don't ever try to change me, I have to do it myself & I've made alot of changes in the past several years. I'll never try to change you [redacted]. You know what it feels like to sit in prison [redacted] knowing that your setting there because of your past & revenge, & a political football, Mary, I couldn't beat a clear cut case of a legitimate self defense because of those things, & I sat here, & I hurt so much that I lost bitterness because I was to hurt with pain over what I lost, & it was good to hurt with a racking pain that was maddening & almost untolerable, I had no time to remember to be bitter & hate. I was too wrapped up in sorrow. I've lost a wholelot of bitterness & hate, & its been good for me emotions the wisdom of life. Now you gave me the will to want to live, we have a good chance at the future in so many ways! Yes my Green Eyes its great to be alive, & I want to be & share it with you. By all percentages I've should have been dead 10 years ago on more than six attempts made on my life. But destiny had it written that I was to meet my [redacted] & we have met, & the changes have been self made! I love you! more tonite.





Joseph Bentley
P.O. Box B38509
Aug. 5, 1972

Hi Honey

Well no visit today, & if you don't come up tomorrow it will be for a very good reason that I am positive of. But eventually we'll see each other shortly when you are able to come if you don't come tomorrow. You didn't get no letter Weds., so Thurs & Fri is very short notice for you to obtain a form of transportation. Ted will always let you use a car to come & visit me. Speaking of Ted, I wrote him last nite & stressed the fact that I wanted you to get a copy of the manuscript leaving it plus & clear that I would accept no excuse but that you are definitely to get a manuscript! So by the time you get this letter he will have gotten his. So call him up & tell him you'd like him to bring a copy over to you. I kind a laid it in to him & I know that Jo & him are in a deep conference over it. See those bad vibes I feel over the manuscript will be all over with once you get a copy, that's how I told you I would get rid of my bad vibes. Also I told him I can't stand evasiveness & being undependable so that I want him up here so that we can clear the air & strengthen our friendship & continue on in friendship. I told them that you are with me & will probably be for life so that they must respect you, that you have proven more than a friend, & even offered to pay a retainer fee. I don't



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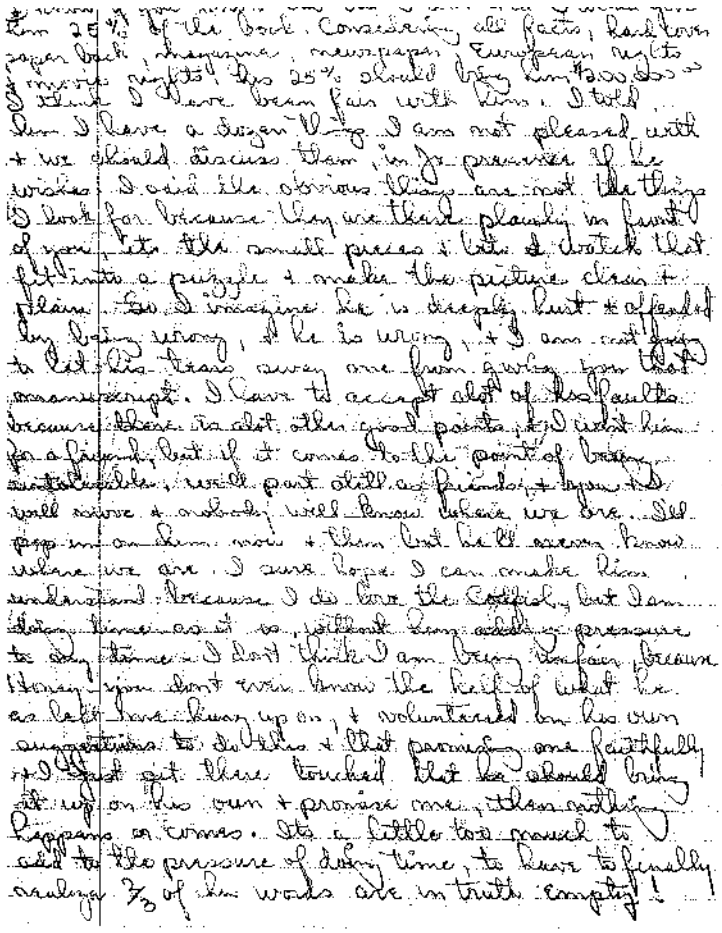
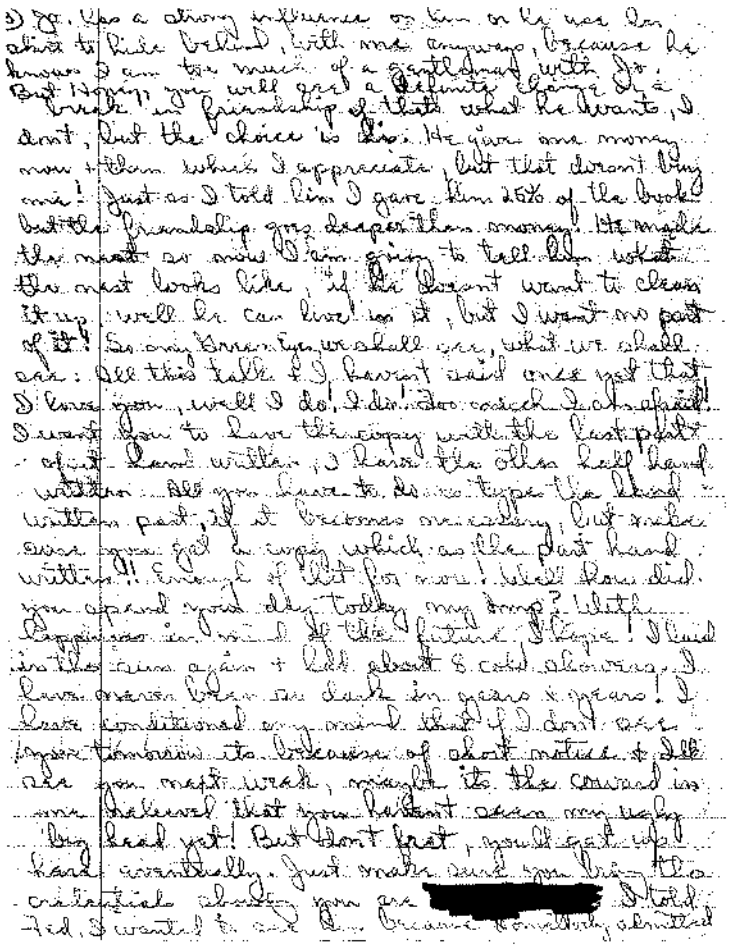
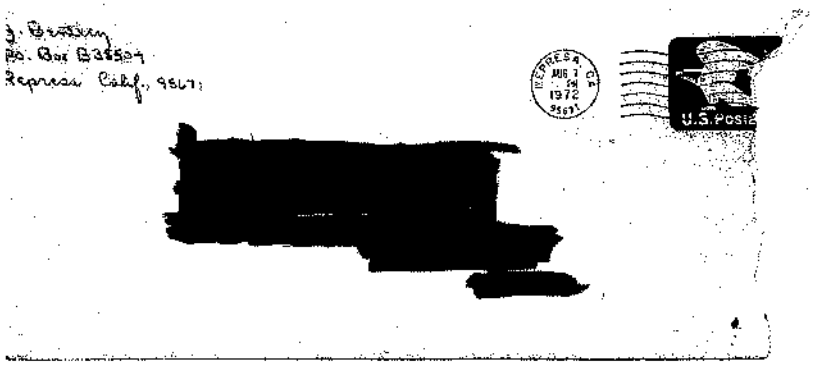




(H) to perjury in my case. So that it would be best, & was for the best he hadn't gone to N.Y. yet now that this as been brought to light. You know I don't know when I am going back to Wash. I have to the slightest idea, I don't care right now because I'd like to see you 3 or 4 times before I do. Say you get here 9:30 Am & we talk till 2 pm, that's 4½ hours of heaven! Are you going to let me kiss that sexy lower lip of yours?! Wine & nectar from the vineyards of the Gods!!! I love you, even with that up tight letter of yours Lastnite, I am amused now to see how you with anger want to fight for me! Oh my Baby, I love you for many, many things! We will make such beautiful music together! I told my investigator by mail to call you at home between 7 & 7:30 p.m. Mon. or Tues. My Attorney's phone * office is 707-527-2791 Santa Rosa, Marteen Miller. I want to see what my investigator & him have to say & I am going to express my thoughts of the last case if he takes offense? Tell me how much does a retainer cost for a lawyer like Bluminthal to come up here. But I wish to talk to you personally first & explain a situation about lawyers I must be careful of very much, oh I'll tell you now. I got to watch that the mafia, & lawyers like F. Lee Bailey, Joe Ballero 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 & Greg Evans have the transcripts & are overly knowledgable on the case which they will supply. I hope!? Well Green Eyes, time to go. Remember if I don't see always you tomorrow, I will next week. I love you Love always

Joe


J. Bentley
Po. Box B35504
Represa Calif., 95671
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CALIFORNIA STATE PRISON AT FOLSOM
Represa, California

Date 8-9-72

To: J. Campoy
Correctional Captain

Greg Evans attorney from Sonoma County came to the institution this date, for an interview with inmate Bentley, B-38509. The interview took place in the Adjustment Center starting at 1150 and terminating at 1405.

C. H. Clifford
Supervising Officer

cc: Central File
AWC File

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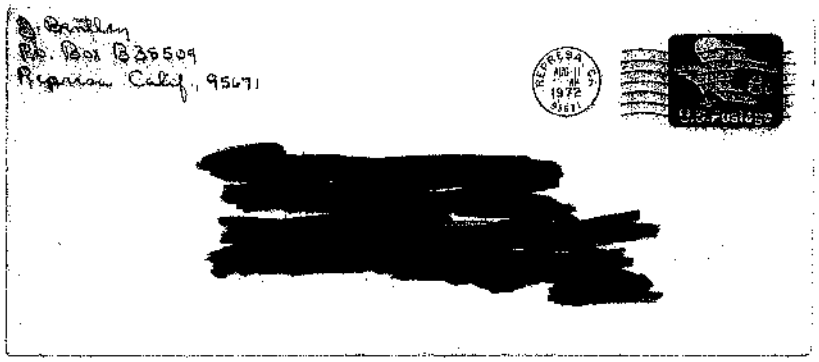



EXHIBIT
499

Joseph Bentley
P.O. Box B38509
Aug 10 1972

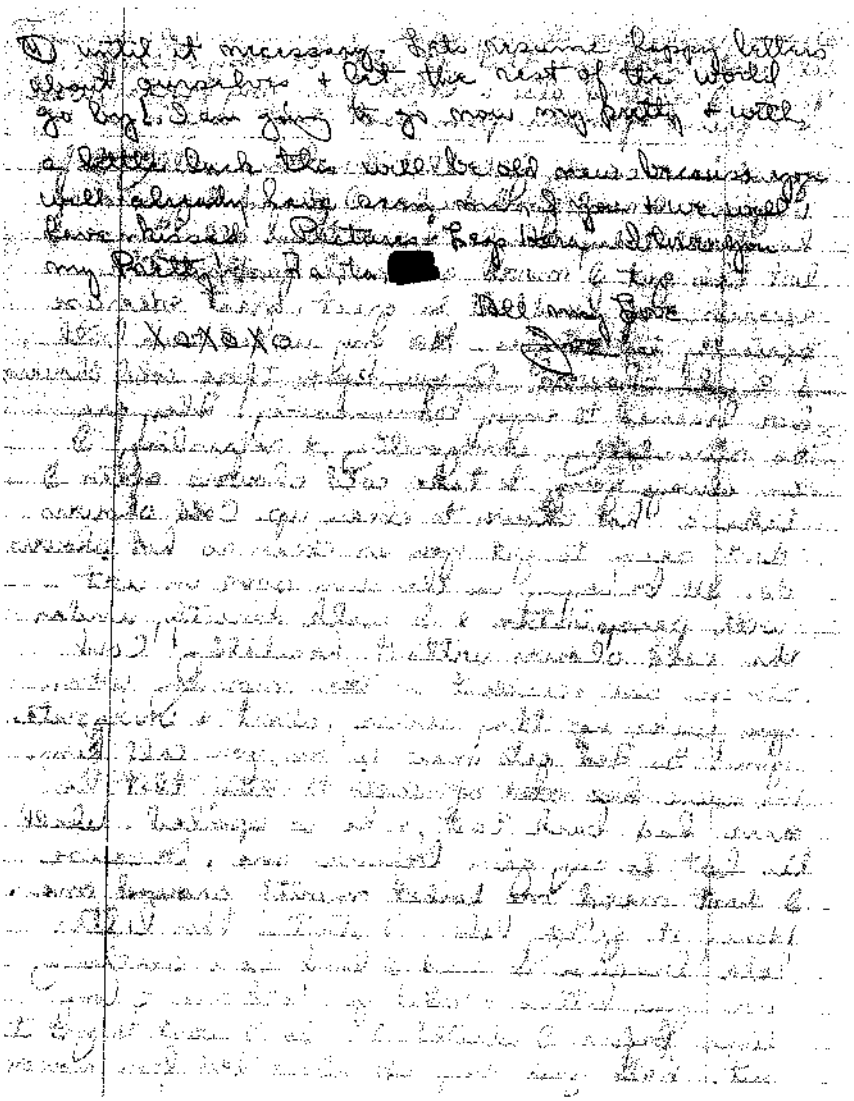
Hi My Pretty,

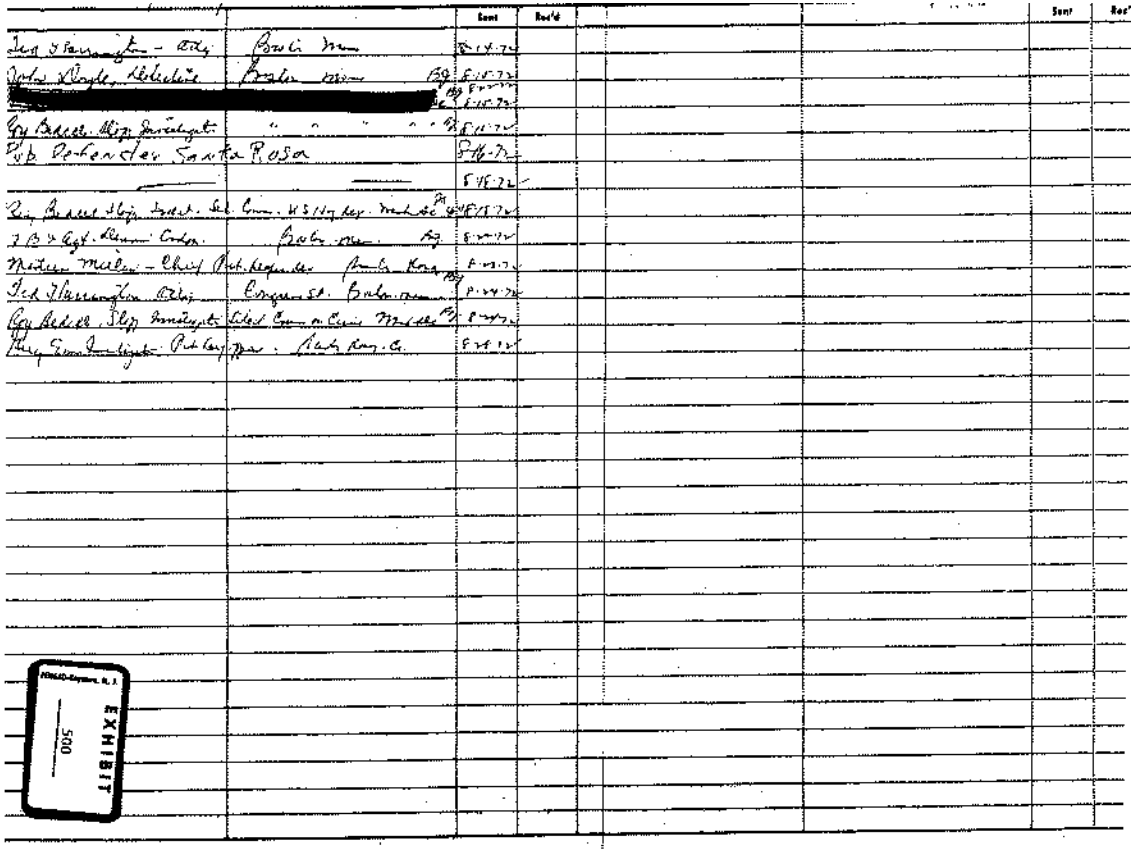
Rec'ed three letters from you tonite with a card that I beagled! Now let me tell you about our friend the Codfish & his statement "he is not about to come between us, but if you don't want his friendship you can have it period & he is through." First of all he said that to you not to me & you will observe the tone of his voice in my presence. Oh I am sure his backbone was in the back ground listening. Today is Thurs., so you won't read this till Mon. So if he does come up Sunday with you, you will have seen that face to face just how & what he his! I rec'ed a letter from Wash., & it looks that the very earliest I might return to Wash. is Sept. So I figure that the latest I'll be moved from here will be will October one way or the other! One good will come out of his visit Sunday if he comes? You'll have a car from then on to come up in alone. I cannot have the tape recorder to use here, so no sense in wasting good money. Its funny how people when they are wrong take the defensive in a tone of anger. Oh well you will see Sunday. Didn't you tell me in a letter to have my Atty. Marteen Miller, call you, well I had the investigator call you. The visits on Weekends are touchy to a time schedule, if awholelot of visitors come than they cut the visit short but you get a couple hours the least. I can't give you

a definite answer, because all I ever got was 2
here from Ted. You will have to ask the visiting
room officer upon leaving the time schedule, routine
& all the rules. Hey Imp these letters have gone
off to such different trips compared to the
happy one we were writing each other. I love
you, thats all that matters!! Let them have miller-
phone* I could care less, thats how I feel about it.
Whats a copy they have in a safety deposit box
mean where securing my bad vibes & ridden
the bad vibes by you having a copy. Do you realize
that I just lien that book 4 months ago & it is
still in the draw. You with those toothy drawings
have one on other & you dont want to take my
warning, so I think before you start, I'll do it
first so that you will remember & hesitate to
do it! smile but true. I owe you a bite
anyways. So he doesnt like informers, well I am
one & this may surprise you but so is he! Ted
loves me for what he lacks! You silly goose,
after all I said to you where do you think I place
you. If you want to hear because you dont realize
it already then I'll tell you you are the top one
in my book of trust because of our sincere
love for each other, Ted is my friend with love
but its mixed with ulterior motives. I know
what I am talking about! Dont think that Jo
jump as easy as you think when Ted says it
Jo they will not allow me to have books
through a visit only through a book store
that mails them here. I will accept from
you 5 or 6 paper back Westerns, because I
do need the reading & I dont want you to send

③ me books I've already read, + there are so many different westerns that it will be easy + cheaper. Tonite I received also a letter from my brother Wash. + a friend of mine from back East who is a

guard in a county jail that I've been writing to for 6 years. A real good dude. I played 8 games of handball today singles + won them all. Since I lost this gut I moved so much faster + the exercise of handball is great, great exercise especially in singles. Got my usual sun bath + 8 cold showers. Do you know those cold showers I've learned to enjoy tremendously! They are so stimulating, invigorating, + refreshing! I am always going to take cold showers after I take a hot shower to clean up. Cold showers don't seem to get you as clean as hot showers do. I'll be laying in the sun sook in wet with perspiration + I walk directly under the cold shower without hesitating! Cold showers are excellent in the morning when you wake up they revive, alert, + invigorate you! So Fed, gets mad when you call him. He sure has alot of sides to him that he never had back East, + he is spoiled. Well his lost is my gain believe me, because I don't need no toilet mouth around me. Honey its getting late, I started this letter late because I had I laid here seething over your letters + what you told me a long time before I started it. So I want to get it out. Lets just drop all about Fed from now on.







| | | Sent | Rec'd | | | | Sent | Rec'd |
|---|---|---|---|---|---|---|---|---|
| [illegible] - Atty | Bowl [illegible] | 8-14-72 | | | | | | |
| John Doyle, Detective | Bowl [illegible] BJ | 8-15-72 | | | | | | |
| [redacted] | BJ | 8-15-72 | | | | | | |
| [illegible] Bedell, Sloppy Investigator | " " " " BJ | 8-15-72 | | | | | | |
| Pub. Defender Santa Rosa | | 8-16-72 | | | | | | |
| | | 8-18-72 | | | | | | |
| [illegible] Bedell Sloppy Invest. Sel. Com. U.S. Hwy Rep. [illegible] BJ | | 8-18-72 | | | | | | |
| J B & Agt. [illegible] Condon | Bowl [illegible] BJ | 8-22-72 | | | | | | |
| Matthew Miller - Chief Pub. Defender | [illegible] BJ | 8-23-72 | | | | | | |
| Ted Harrington Atty | Congress St. Bowl [illegible] BJ | 8-24-72 | | | | | | |
| [illegible] Bedell, Sloppy Investigator Select Com. on Crime [illegible] BJ | | 8-24-72 | | | | | | |
| [illegible] Investigator Pub. Defender | [illegible] | 8-28-72 | | | | | | |

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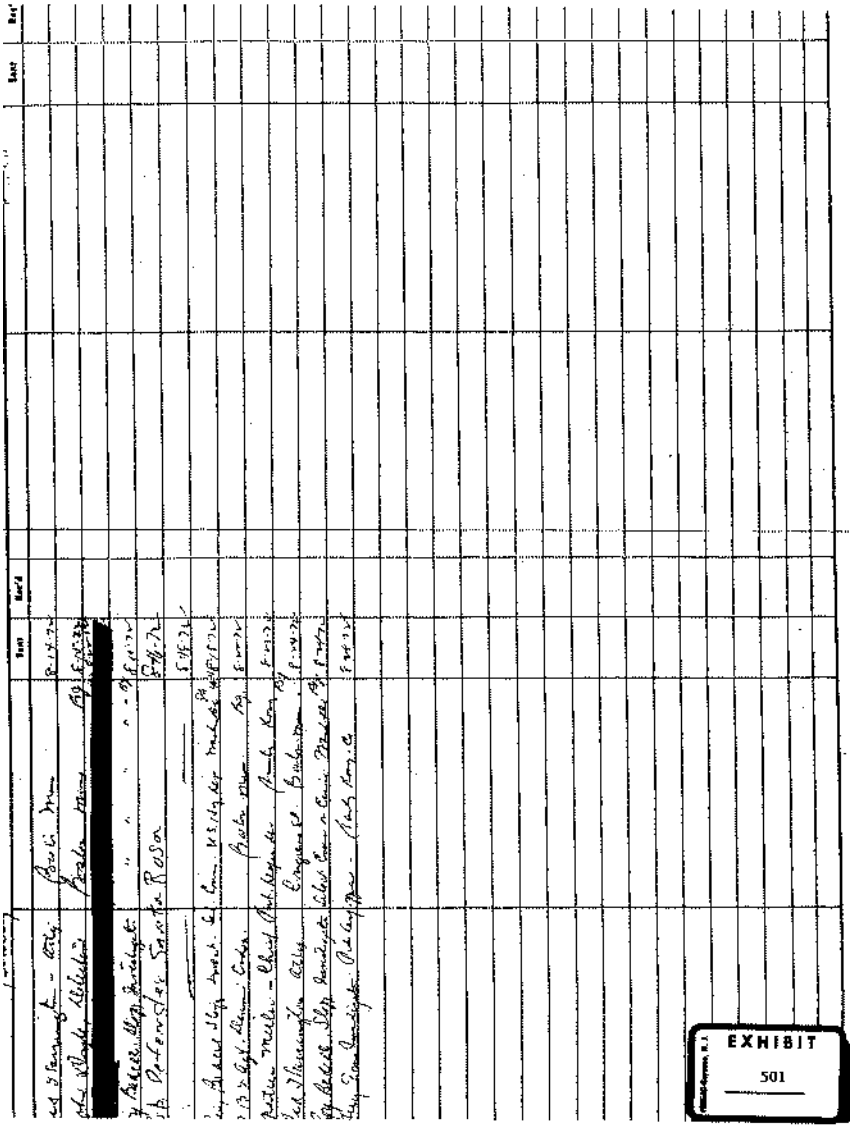
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J. Bentley
P.O. Box B35507
Represa Calif., 95671

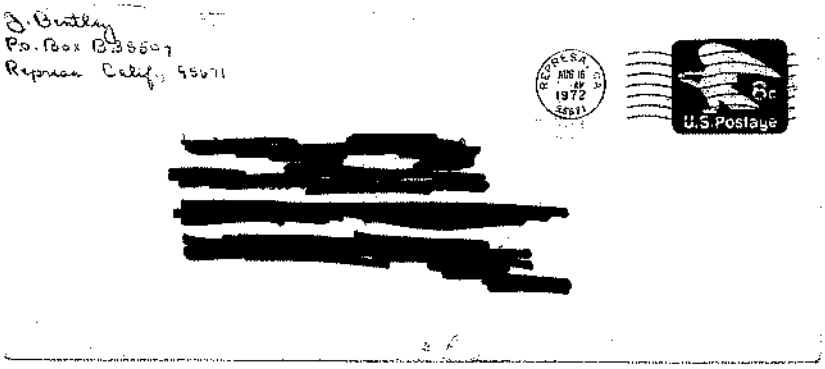

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EXHIBIT
502

Joseph Bentley
P.O. Box B38509
Aug 15 1972

Hi my Tiger

Yes Ted did ask you to type the book, but did you or he know you & I were going to turn out like this when you were typing about a dirty old man? Tom, certainly is a successful man & since he knows you so long I am not jealous. I wondered if Ted knew if you lived on Sunchey St or not? I am going to tell Ted that I am not writing you as much anymore & slowly see what happens. I do not have any foundation to suspect anyone, but I just say what I sense. I think one main important missing piece of the puzzle his Jr. Your friends know you & love you for what you are, so if it goes up to higher places, tell them look at the source & if they want to terminate their friendship because of a lie, who need this friendship, it got to be a weak relationship to be weighed by that! I do not think I will be here that long for you to come & work here. Stay with Bob, it doesn't seem like a bad job by no means. I should expect for you to see the Fish walk in the office any day now on the pretext of seeing Bob, but truly seeing you & say "oh hello [redacted]" Your not caught in no web so relax & don't over stress the matter Honey. If it comes to me not writing, it can be solved by you getting a secluded P.O. office Box & getting my mail once a week. So we'll still write each other, but the office is good for now. I am

(2) Happy to hear you'll write me everyday on your vacation! My Heart, you sure are something & I love you too, too much! So Greg, didn't call? Oh well now he can't! of course I know you didn't mean anything by calling me & idiot, can't I tease you Tiger, or look for an excuse to bite you, you seem to avoid your theory of my bite & where! smile. The situation I think as turned around in our favor & I think the Fish is sweating over it, & will come around nicely. Do not be afraid to be with the Fish because when he sees you he sees me & I suspect a big change shortly. Well see? I feel pretty good over the way things are going. Also if the Fish & Jo were making the calls they suspect you have them on the list & that will cause changes, thats why I dont want him to have it now. Now if the phone calls stop because they can very well continue with the night connections & secure the unlisted *. If a week goes by & no more calls. Then you can tell Ted, that you were getting late calls & you want him & him only to have it along with Jo & then see what happen, tell him he must promise not to give it to no one under any conditions, & I know nothing about this! That is the method to my madness. Then well know for sure, & I hate the falling out I am having with Ted. I want to clear it up. I love you my Tiger, Wow Ted & Jo sure changed our letters around but its for the best right now, & will take each step at a time. Elementary & deduction my dear Watson! smile. Until later, tonite my Princess I love you constantly & fervently!

3

Hi Princess! Received your Sat, Sun, & Mon letters. My daughters name is [redacted], & my sons name is [redacted], we call him [redacted]. Brownies are my favorite of all pastries & chocolate like is boss too! Mother & father both born here, Ederle! I have one of two names I want when I get out: [redacted] doesnt look like me & there is alot I dont like about him, & some of him I do. [redacted], won a beauty contest over 200 girls, she is rather naive, her husband [redacted] whose last name is [redacted] works construction, a good kid but cheap. They now live in these own rented place & my mother is always there [redacted] takes real good care of my mother. I love you [redacted] Now for what I have to say, I received two phone calls today 1 from Wash, & another call from Boston by another man from Wash. Since you dont know for sure about tomorrow, I tell you this the new was tremendous! The man in Boston was with the guy who wrote the confessions, & 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 some how, if you dont tomorrow because in two weeks I'll be gone I wont 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 & see if I can get him up here as soon as he can it is rather urgent. If he doesnt come up here then I'll know he is purposely avoiding me for an evil

(4) reason. When I write him I am going to tell him I don't want him to tell you, so that it will make him more curious, etc, etc. But you'll know tomorrow if you come. I am deliriously happy Honey! I got a chance to weigh myself, I weigh 180 pounds on the bottom! I lost between 20 & 25 pounds here, I weighed 220 in Tehachapi, I am only 5 pounds over my fight weight when I use to fight. I want to get 170 & that's it. Ten more pounds ought to be about a month to take off. I wish I could speak out in this letter, but I should see you tomorrow & tell you all. So you had a peak freak peeking at you in your bikini, lucky devil! Him I mean!! Things are moving with the big strength without the help of Martean!! It sure is great to be alive with your love & my confidence restored a fraction in justice & people! Well my Tiger Cat, now to write my deceitful letter to Fed. What a shock he is in for when someday I tell him a story about the facts of life! Well here goes nothing Dada [redacted] Green Eyes & remember I love you always & always!

All my love
Joe
OXOXOXOXO

Joseph Bentley
PO. Box B36509

Aug 22 1972

Dear Ted + Dinny,

You know I was never one to beat around the bush + if I've developed a great sense of paranoia its because I was taught by the best, both sides!

Roy Bedell suddenly gets paranoid about Geraway, my brother after talking to Bedell gets paranoid about Geraway, my Atty + Investigator suddenly get paranoid. The story is coming from somewhere in Boston! + Suffolk County or where?

People make Geraway out to be some monsterous genious + not capable of living up to his confessions.

But where the heart of all this lies is in the Deegan case, + Raymond's case. Don't upset the success of the past even if it means letting Joe rot in prison + letting his family fend for themselves.

Well I don't know if you read the confessi of Geraway's, I suspect you have by now. My sole interest is the conspiracy admitte by him, between Chisholm, Limone, + Caseso instrumented by Jerry, + the invisable han of Bailey. I would think a conspiracy that was nurtured in Mass. + finalized in Calif would be considered a Federal charge. H own admission of $200,000.00 + being told wha

EXHIBIT
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BSF-00779

to any etc, etc.

But the fear of others concern is the Martin case, & Stewarts police report to Jerry on the Deegan matter & if Kearney is leading us into a trap? Well I am not concerned at this point about Romeo or anyother, or, else. I am concerned over Kearney's admission of the thing he said about my case which show perjury & conspiracy.

I sit here with people of different branches of law enforcement now knowing that the Mafia hatched a plot in my case in revenge for the help I gave various law branches which enabled them to achieve a a success unparalled in any other time in the history of criminology in New England. So much so that I should be sacrificed in order not to upset the apple cart. No Sir!

If I knew that come April when I see the parole board I'd make a parole, I'd forget the whole thing. But I have no assurances, none whatsoever! I am the one who sits in prison, & my wife & kids suffer & fend for themselves. Again it's give give give for, but no here, here for! Even on my trial in Santa Rosa I was duped! But that cost!

Everybody was so sure I was making a

deal with the office in the Woods with Davis, & with Bailey, that they in anger & spite threw me upstairs over death row & near Hearway. But nobody thought & took into consideration that I had a reporter in disguise to listen to the whole thing. If I was sincere believe me he wouldn't have been there. But everybody else in all their super sleuthing think they got it figured to a tee & send me out of spite to Walpole. I had no right going to Wilmington, just as a snowball doesn't belong in hell!

Well I am in a different position now. Regardless of all the bull — people had put in newspapers lies & dramatics for effect which makes Baron a cuckoo today & not capable of beating a legit self defense. I am going to try again to beat it, with or without Marteen Miller, I am able to retain a private Atty if need be. I am interested in this case, not any other.

I dont care how much the Boston mouths try to dissuade people to help me, I do it my way. I am not rotting in no prison going before a parole board year after year turned down.

Are you two going to help me on this matter or not?

7

Do you actually believe Geraway, the Bear + Ronnie are friends? The Bear + Ronnie wou whack him out in a minute, + I think Geraway knows this, + I know for a fact the Bear hates Ronnie, all it is, is a vicious evil trio gaming each other.

Read those confessions, look how he as committed himself. The traps can be avoided by not going near the trap. But in my case he said enough to open it.

Tell me would you not in prison? Would you say no I'll wait for a parole 2 3 4 5, 6, 7 years from now. If I knew I'd make a parole in April I'd leave it die, but I don't know that!!

I would appreciate a reply from you on this letter it would be to both our advantage.

Why can't you come + see me on this matter since a Federal conspiracy is involved.

I await your answer anxiously!

Joe B.

P.S. Tell me this! Where I come from + been, does it stand moot or not that I should just up + shoot a doper in front of his wife + 18 year old girl who I knew was a snitch.

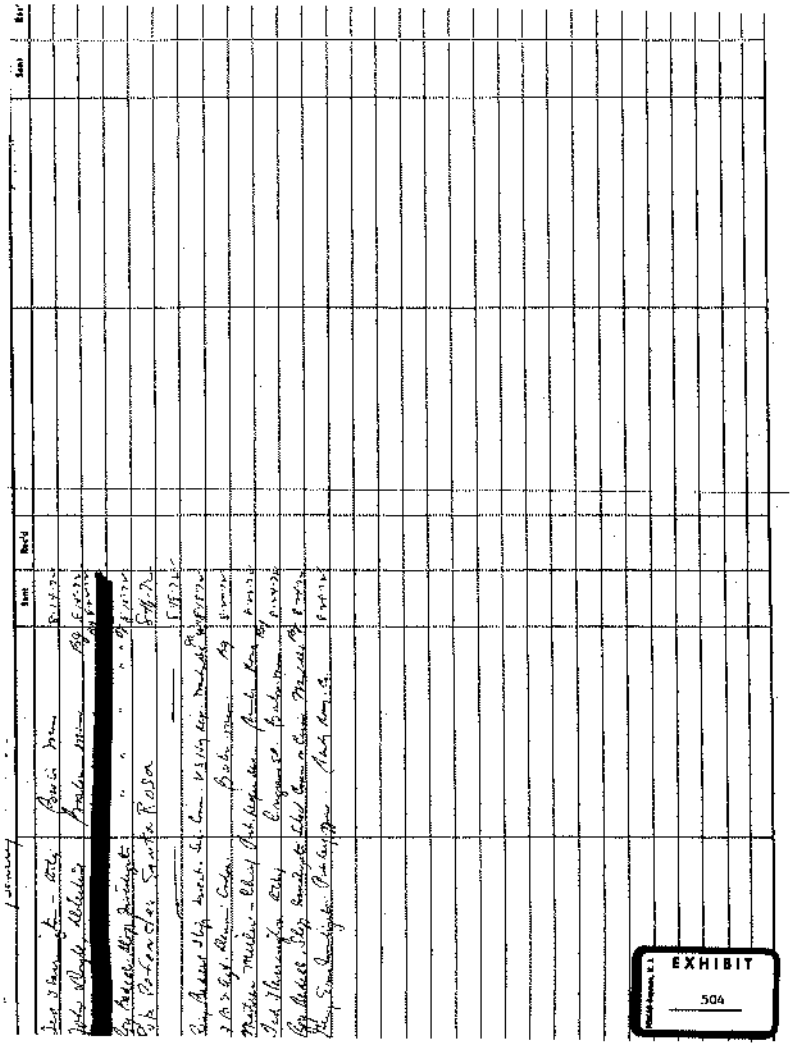


EXHIBIT
504

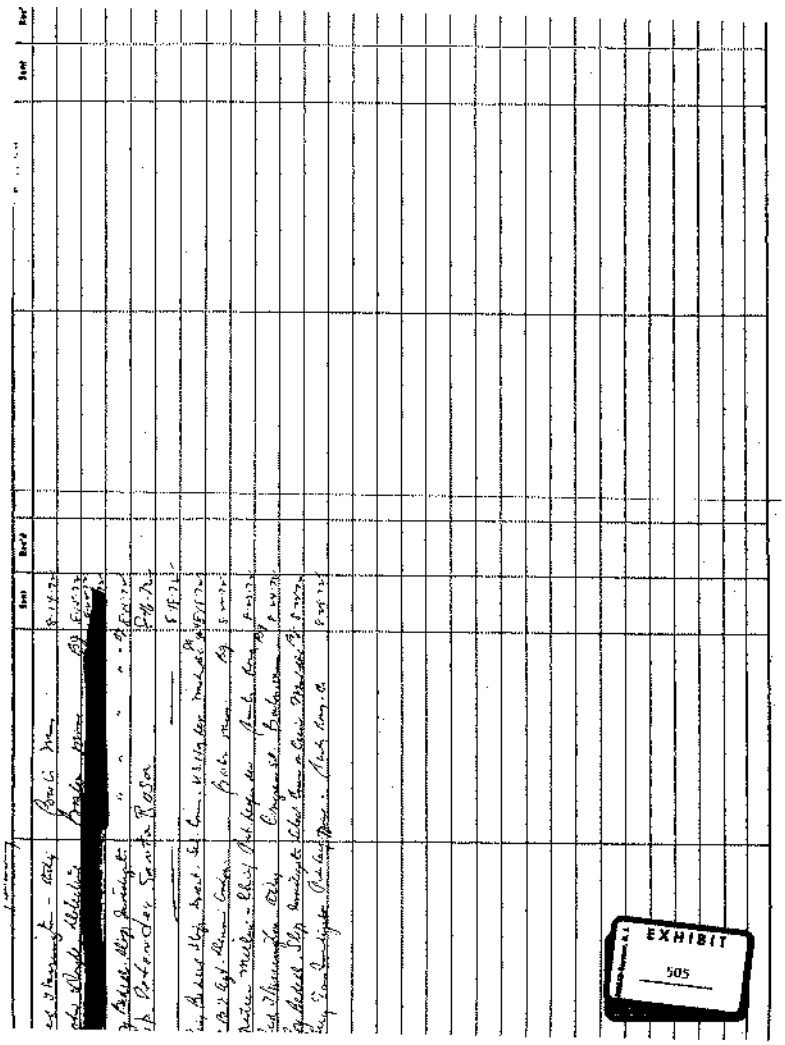


EXHIBIT
505

EFH:gam

August 31, 1972

Mr. Joseph Huntley
Box No. B36509
Folsom State Prison
Represa, California 95671

Dear Joe:

Responding to your August 22, 1972 letter. I am not only unaware of the contents of Germany's alleged confession, but was even unaware of its very existence. However, I am informed that District Attorney Burke is planning to use Germany as a witness against Casamaso for the attempted bribe of Germany, and District Attorney Byrne is still holding Germany 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 Germany's newly discovered testimony, depending on your joint assessment of its weight. As far as the federal government is concerned, it appears that Germany'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.

Sincerely,

Edward F. Harrington
Attorney-in-Charge

Copy sent to D. London on 8/31

EXHIBIT
506

BSF-00906

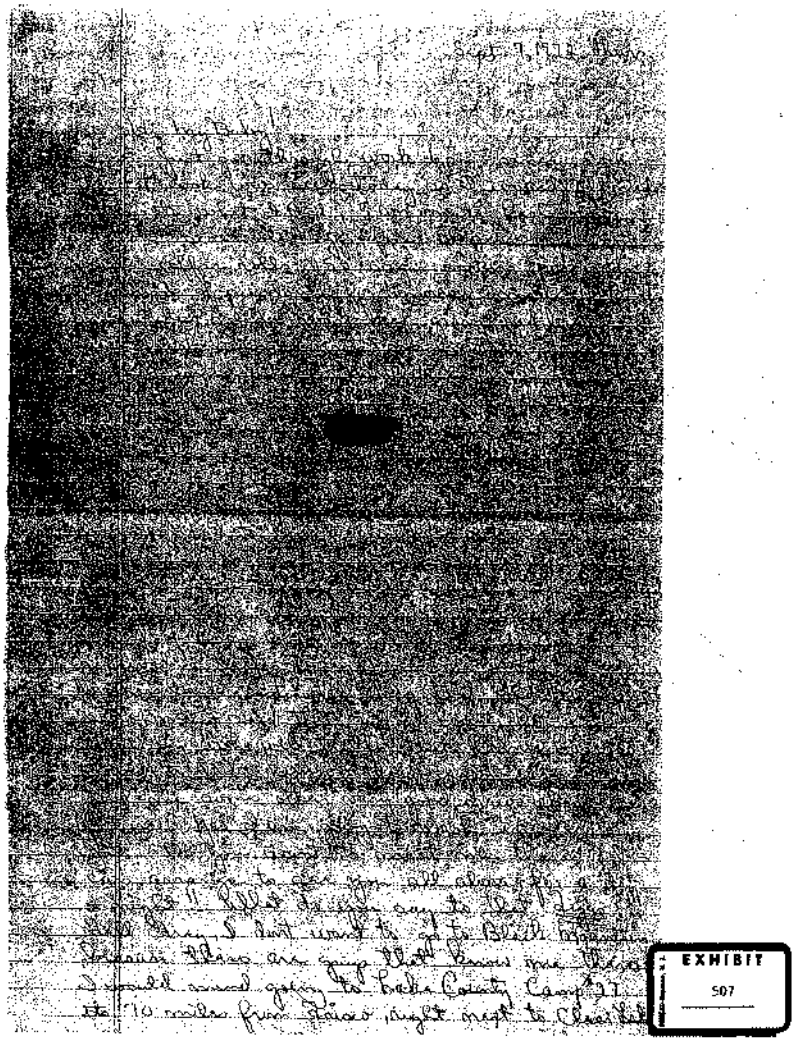


EXHIBIT
507

2

Do I love you? You bet those pretty eyes of yours I do Green Eyes! A want ad for a House-boy, send vital statistics. What are the vital statistics?? Shame, Shame, Shame, Ederle! So a cherry bomb huh. Well I got a way of returning the joke in spades! I thought that maybe your phone is bugged + if it is, it will stop after our 2 recent conversations! My sun tan is slowly going away, I am only ½ as black since you saw me, + when you see me, I'll be white like a ghost, with long flaired sideburns + a big brush of a moustache. Getting ready for my trip, when I return, off comes the brush, + the hair. I will get a Gd haircut. Those type haircuts are good for wearing disguises. Bob calls me your friend or his friend? Of course Bob is not in anything like that! Well time for a shower, shave, brush my teeth shampoo, + all kinds of foo-foo deordorants! I told you I dig clean flowery smells. I guy here has Canoe a after shave. I use to use once but switched to an Italian cologne called Zinggani, I'd settle for the Canoe right now. Knew a girl that made Canoe in the Lab. Well Ta, ta, B for now.

We Imp, here I am again all refreshed, smelling like a fag but I feel better. Caught me a gaster smoke. I let him go, lord what a terrible smell + order they exude! Yuk! Slowly I am taperly off on the food glutton kick, but I am still a loser I put on six pounds! I just stepped on the scale again + I weigh 179, so I only put on 2 lbs. At Folsom I never could see myself, they only gave you a little pursue size mirror to shave with, so when I got here + saw the 50 pounds I lost

3

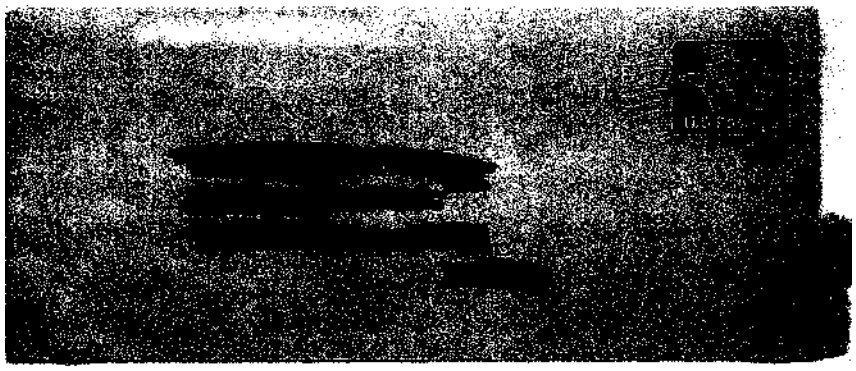
I was shocked! I didn't like myself, I looked
puny, gaunt + withered. I rather weigh 185.
Now tell me why should Grey beef about you?
of course he didn't beef about you, he wouldn't
dare to my face anyways! smile. Marg, in that
letter from Back East I got today, the man said
the Government would bring it to the Parole Boards
attention the great service I did the Government.
I should have alot of people speaking up for me so
that my chances look much better than average. I
sure hope so because I am dying to be with
you! I day dream + think about so many things
we will do + its true you + I do like so many
things alike! I am especially thrilled about the
way you can kick back alone + enjoy your
own company because if I have my way we'll
be in the woods with a lake behind us +
people will have to come + see us if they want
to see us. That restaurant in LaConner sound like
something to like into. I sure miss my dogs, I
was offered them back when I got out, but I
would never take them from my children. I'll
have to train 2 dogs again, maybe four if we
are in the woods like that. I wish you could
have seen my dogs! I sure use to be proud + still
am in what I made those dogs turn out to be.
[redacted] will say to [redacted] go find [redacted]
will leave the house go search out [redacted] bark
at her continuously + turning all the while towards
the house until [redacted] or [redacted] will come in
the house. I taught him that a long time ago.
To tell you all they know would take pages in
telling. Someday in conversation I'll tell you when
we are on a dog trip.

4

Yes they call chip beef SOS. amongst other unworthy names. I could never bring myself to eat it in the morning. They do out here in the West. I guess they just can't break away from the old days & chuck wagon time! smile! Have a friend in Ceasar, he follows me all around, thats because I feed him tidbits out of the kitchen. Ceasar is Heinz variety, a mongrel black & white, looks spaniel & has bird dog in him, he is either stir crazy or shell shock from some abuse one time or another. I got him to play & he is getting alot of confidence in me. I'll teach him to bite one of these smart alecks that hate dogs! smile. Ceasar has potential because he shows intelligence if you can it out of him, otherwise he couldn't care less. I figure he is anywhere from 15 months to 2½ years old. I haven't looked at his teeth yet. Well that is the end of the ~~[illegible]~~ veterinary story for tonite, & the end of my letter. So Miss Wonderful, If you get the car soon we'll be able to have that visit that kiss & that hug, so hurry, hurry, hurry! I love you my Baby!

All My Love
Joe

You have Dakota Staton 'funny valentine' for out Miss Thoughtful!



ME and NUMBER Bentley, J. B-38509 Eel River CC 31 AWC File

Subject sent one (1) letter to: F. B. I. Agent, Dennis Condon
J. F. Kennedy Building
Boston Massachusetts

cc: C-File
AWC-File
Inmate

A. A. Saulenas c/o
Eel River CC 31

TE 15 September 1972 CUSTODY and GENERAL

ME and NUMBER Bentley, J. B-38509 Eel River CC 31

Subject received one letter from Mr. Ted Harrington, Attorney at Law
(dated 31 Aug '72) U S Department of Justice .
Boston, Mass.

Re: Filing motion for new trial.

The letter was read by subject, and to filed in C-file.

C-File
AWC-File
Inmate

R. C. Davis, c/o
Eel River, CC 31

TE 8 September 1972 (Legal Mail) CUSTODY and GENERAL

ME and NUMBER Bentley, J. B-38509 Eel River CC 31 AWC File

Subject Sent one (1) Letter to: Ted Harrington
Attorney At Law
1703 U. S. P. O. & Court House, Congress St.
Boston, Mass.

ile
File
ate

Re: Reply to to letter from Mr Harrington.

A. A. Saulenas, c/o
Eel River CC 31

EXHIBIT
508

TE 9 Sept '72 (Legal Mail) CUSTODY and GENERAL

AME and NUMBER Bentley, J. B-38509 Eel River CC 31 A-w File CDC-128-A

Subject sent one (1) letter to: F. B. I. Agent, Dennis Condon
J. F. Kennedy Building
Boston Massachusetts

cc: C-File
AWC-File✓
Inmate

A. A. Saulenas c/o
Eel River CC 31

ATE 15 September 1972 CUSTODY and GENERAL

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Inmate

R. C. Davis, c/o
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Boston, Mass.

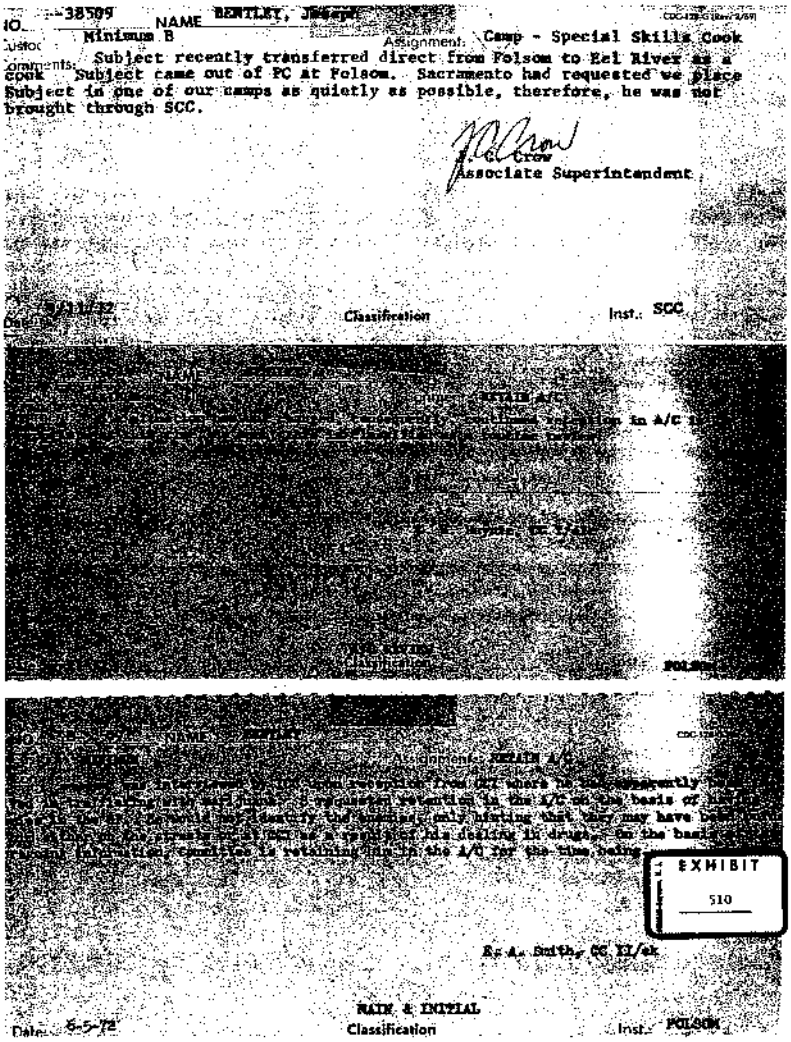
File
C-File✓
mate

Re: Reply to to letter from Mr Harrington.

A. A. Saulenas, c/o
Eel River CC 31

EXHIBIT
509

ATE 9 Sept '72 (Legal Mail) CUSTODY and GENERAL



38509 NAME BENTLEY, Joseph
Minimum B
Assignment: Camp - Special Skills Cook
Comments: Subject recently transferred direct from Folsom to Eel River as a cook. Subject came out of PC at Folsom. Sacramento had requested we place Subject in one of our camps as quietly as possible, therefore, he was not brought through SCC.

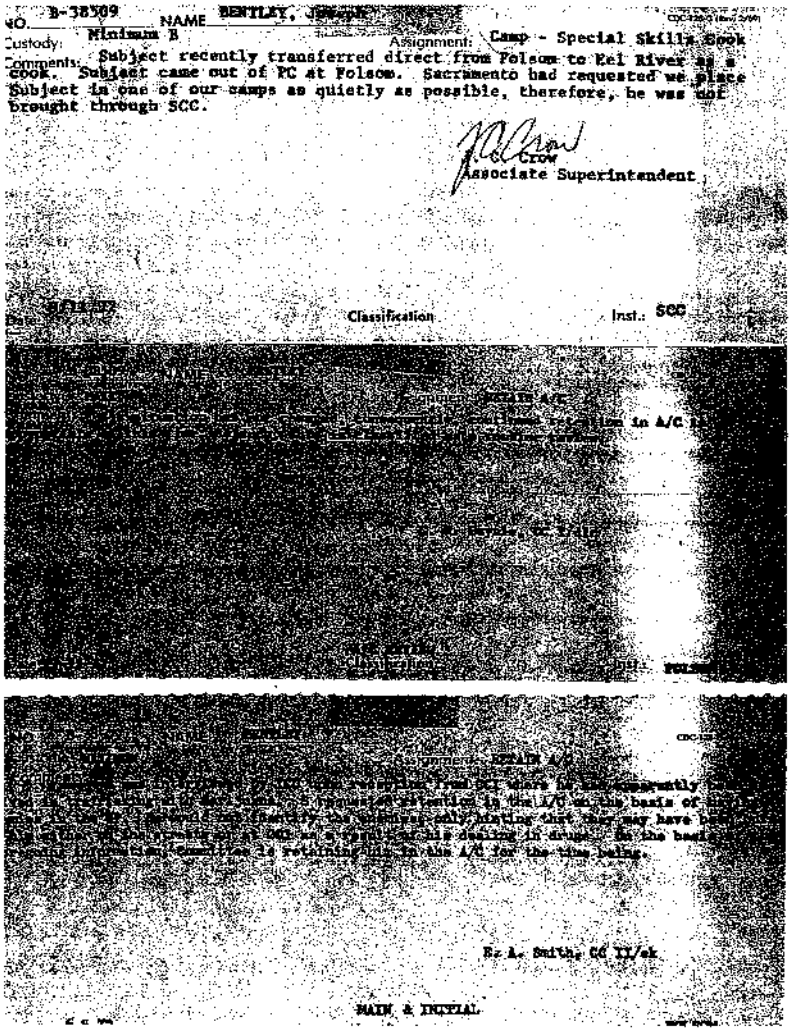
Crow
Associate Superintendent

5/11/72 Classification Inst.: SCC

EXHIBIT
510

R. A. Smith, CC II/ek

MAIN & INITIAL
Date: 5-5-72 Classification Inst.: FOLSOM



NO. B-38509 NAME BENTLEY, [illegible]

Custody: Minimum B Assignment: Camp - Special Skills Cook

Comments: Subject recently transferred direct from Folsom to Eel River as a cook. Subject came out of PC at Folsom. Sacramento had requested we place Subject in one of our camps as quietly as possible, therefore, he was not brought through SCC.

J. C. Crow
Associate Superintendent

Classification Inst.: SCC

[redacted]

[redacted]

[redacted]

AME and NUMBER HENTLEY, J. B-38509

(3) sent one (1) letter to: Robert E. Blumenthal, Attorney at Law
995 Market St., suite #717
San Francisco, Calif.,

cc: C-file
AWC file
CC #31 file
Inmate

A. Saulenas, C/O
Eel River CC #31
Redway, Calif.

ATE October 2, 1972 LEGAL MAIL CUSTODY and GENERAL

NAME & NUMBER
HENTLEY, J. B-38509

Subject sent one letter to:
Grey-Evans, Investigatory
Public Defenders Office
Sonoma County Hall of Justice
2555 Mendocino Ave.
Santa Rosa, Calif.,

cc: C-file
AWC file
CC 31 file
Inmate

A.A. Saulenas, C/O
Eel River CC #31
Redway, Calif.

DATE Sept. 29, 1972 LEGAL INFORMATION CLASS. & SOC. SERV

AME and NUMBER HENTLEY, J. B-38509 Eel River CC # 31

Subject sent one (1) letter to: Roy Bedall, Staff investigator select committee on crime,
US House of Representitives
Common House Office Building
Washington, D. C. 20515

cc: C-File
AWC-File
Inmate

A. A. Saulenas c/o
Eel River CC 31

ATE 15 September 1972 (Legal Mail) CUSTODY and GENERA

ME and NUMBER Bentley, J. B-38509 Eel River CC 31 CDC-128-A

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J. F. Kennedy Building
Boston Massachusetts

cc: C-File
AWC-File
Inmate

A. A. Saulenas c/o
Eel River CC 31

TE 15 September 1972 CUSTODY and GENERAL

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(dated 31 Aug '72) U S Department of Justice ,
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Re: Filing Motion for new trial.
The letter was read by subject, and to filed in C-file.

C-File
AWC-File
Inmate

R. C. Davis, c/o
Eel River, CC 31

TE 8 September 1972 (Legal Mail) CUSTODY and GENERAL

ME and NUMBER Bentley, J. B-38509 Eel River CC 31 AWC File CDC-128-A

Subject Sent one (1) Letter to: Ted Harrington
Attorney At Law
1703 U. S. P. O. & Court House, Congress St.
Boston, Mass.

File
CFile
mate

Re: Reply to to letter from Mr Harrington.

A. A. Saulenas, c/o
Eel River CC 31

EXHIBIT
511

TE 9 Sept '72 (Legal Mail) CUSTODY and GENERA

AME and NUMBER Bentley, J. B-38509 Eel River CC 31 AWC File
CDC-128-A

Subject sent one (1) letter to: F. B. I. Agent, Dennis Condon
J. F. Kennedy Building
Boston Massachusetts

cc: C-File
AWC-File✓
Inmate

A. A. Saulenas c/o
Eel River CC 31

ATE 15 September 1972 CUSTODY and GENERAL

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CDC-128-A

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C-File
AWC-File
Inmate

R. C. Davis, c/o
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AME and NUMBER Bentley, J. B-[redacted] Eel River CC 31 AWC File
CDC-128-A

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Boston, Mass.

-File
C-File✓
mate

Re: Reply to to letter from Mr Harrington.

A. A. Saulenas, c/o
Eel River CC 31

ATE 9 Sept '72 (Legal Mail) CUSTODY and GENERAL

AME and NUMBER HENTLEY, J. B-38509 CDC-128-A

(S) sent one (1) letter to: Robert B. Bluementhal, Attorney at Law
995 Market St., suite #717
San Francisco, Calif.,

cc: C-file
AWC file
CC #31 file
Inmate

A. Saulsmas, C/O
Eel River CC #31
Redway, Calif.

ATE October 2, 1972 LEGAL MAIL CUSTODY and GENERAL

AWC File
CDC - 128-A (4/69)

NAME & NUMBER
HENTLEY, J. B-38509

Subject sent one letter to:
Grey-Evans, Investigator
Public Defenders,Office
Sonoma County Hall of Justice
2555 Mendocino Ave.
Santa Rosa, Calif.,

cc: C-file
AWC file
CC 31 file
Inmate

A.A. Saulsmas, C/O
Eel River CC #31
Redway, Calif.

DATE Sept. 29, 1972 LEGAL INFORMATION CLASS. & SOC. SERV.

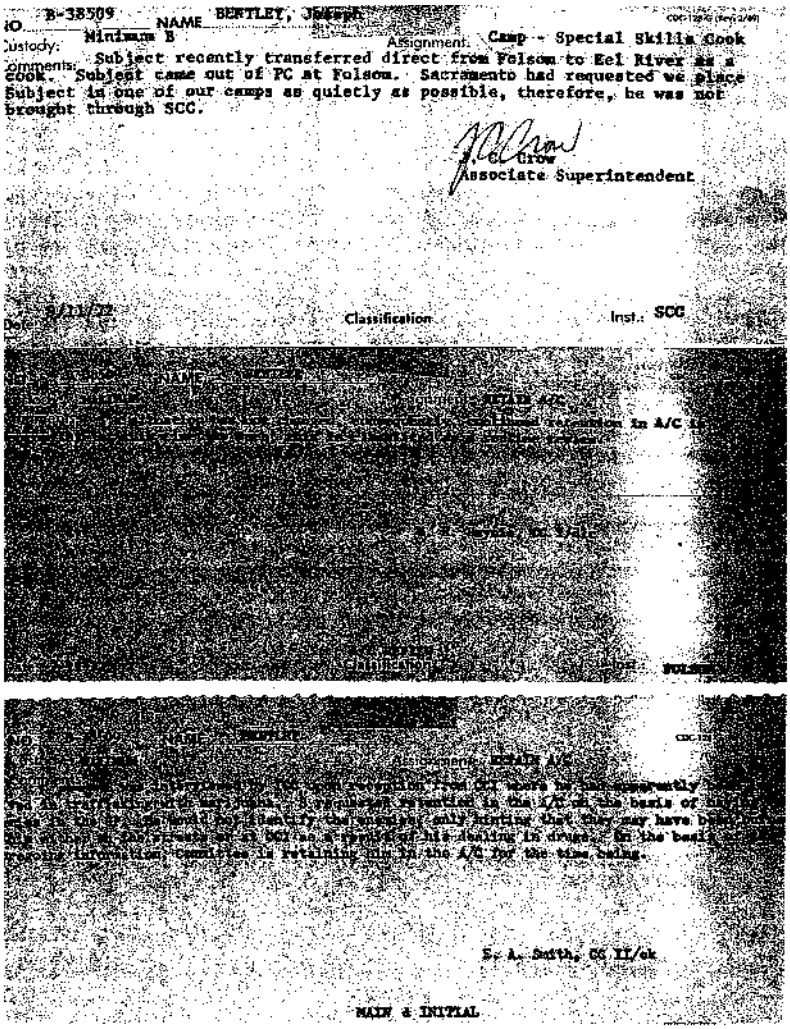
AWC File
AME and NUMBER HENTLEY, J. B-38509 Eel River CC # 31 CDC-128-A

Subject sent one (1) letter to: Roy Bedall, Staff investigator select committee on crime.
US House of Representitives
Common House Office Building
Washington, D. C. 20515

cc: C-File
AWC-File
Inmate

A. A. Saulsmas c/o
Eel River CC 31

ATE 15 September 1972 (Legal Mail) CUSTODY and GENERA



NO. B-38509 NAME BENTLEY, Joseph

Custody: Minimum B Assignment: Camp - Special Skills Cook

Comments: Subject recently transferred direct from Folsom to Eel River as a cook. Subject came out of PC at Folsom. Sacramento had requested we place Subject in one of our camps as quietly as possible, therefore, he was not brought through SCC.

J. C. Crow
Associate Superintendent

Date: 9/11/72 Classification Inst.: SCC

---

NO. [illegible] NAME [illegible]

[illegible] Assignment: RETAIN A/C

[illegible] continued retention in A/C is [illegible]

[illegible]

[illegible] Classification [illegible] Inst.: FOLSOM

---

NO. [illegible] NAME BENTLEY

[illegible] Assignment: RETAIN A/C

[illegible] was interviewed by [illegible] upon reception from CCI where he had apparently been [illegible] in trafficking with marijuana. [illegible] requested retention in the A/C on the basis of [illegible] [illegible] would not identify the [illegible] only hinting that they may have been [illegible] [illegible] on the streets or at CCI as a result of his dealing in drugs. On the basis of [illegible] [illegible] information, Committee is retaining him in the A/C for the time being.

E. A. Smith, CC II/ck

MAIN & INITIAL

AME and NUMBER HENTLEY, J. B-38509

(S) sent one (1) letter to: Robert H. Blumenthal, Attorney at Law
995 Market St., suite #717
San Francisco, Calif.,

cc: C-file
AWC file
CC #31 file
Inmate

Mel Glatty Sgt
A. Saulenas, C/O
Eel River CC #31
Redway, Calif.

ATE October 2, 1972 LEGAL MAIL CUSTODY and GENERAL

AWC-File

NAME & NUMBER
HENTLEY, J. B-38509

Subject sent one letter to:
Grey-Evans, Investigator
Public Defenders Office
Sonoma County Hall of Justice
2555 Mendocino Ave.
Santa Rosa, Calif.,

cc: C-file
AWC file
CC 31 file
Inmate

A.A. Saulenas, C/O
Eel River CC #31
Redway, Calif.

DATE Sept. 29, 1972 LEGAL INFORMATIVE CLASS. & SOC. SERV.

AWC File

AME and NUMBER HENTLEY, J. B-38509 Eel River CC # 31

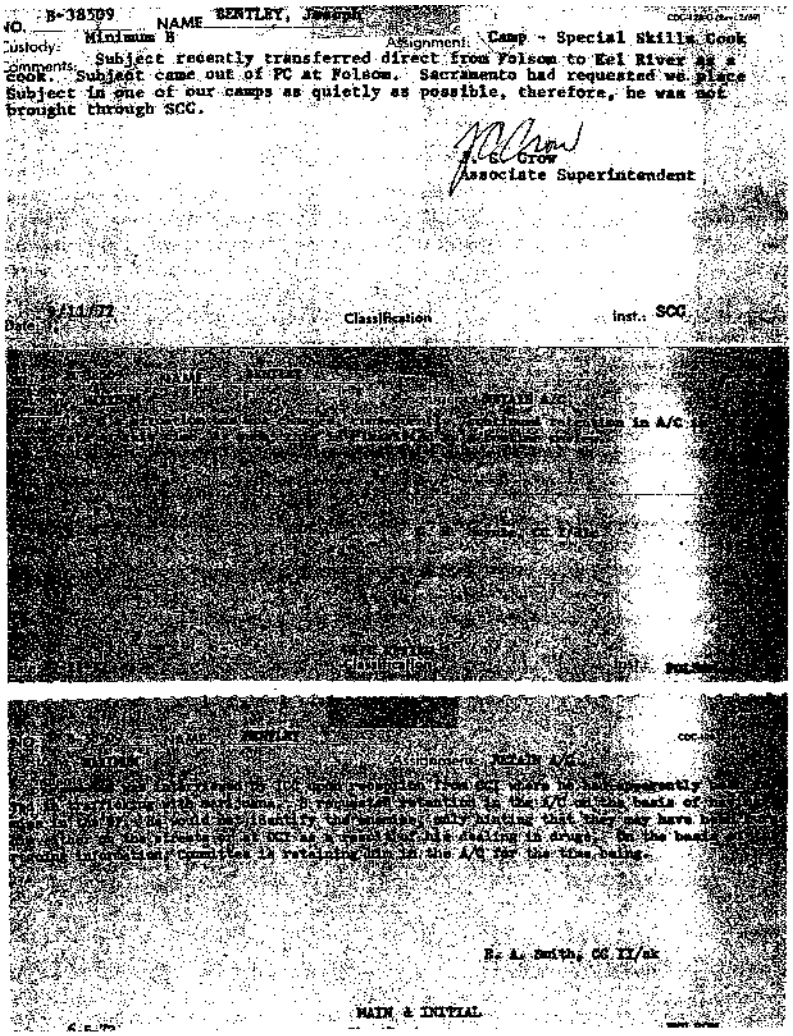
Subject sent one (1) letter to: Roy Bedall, Staff investigator select committee on crime.
US House of Representitives
Common House Office Building
Washington, D. C. 20

EXHIBIT
512

cc: C-File
AWC-File
Inmate

A. A. Saulenas c/o
Eel River CC 31

ATE 15 September 1972 (Legal Mail) CUSTODY and GENERA



NO. B-38509 NAME BENTLEY, Joseph

Custody: Minimum B Assignment: Camp - Special Skills Cook

Comments: Subject recently transferred direct from Folsom to Kel River as a cook. Subject came out of PC at Folsom. Sacramento had requested we place Subject in one of our camps as quietly as possible, therefore, he was not brought through SCC.

J. S. Crow
Associate Superintendent

Date: 9/11/72 Classification Inst.: SCC

NO. B-38509 NAME BENTLEY

Custody: MAXIMUM Assignment: RETAIN A/C

[illegible] was interviewed by ICC upon reception from SCI where he had apparently been [illegible] in trafficking with marijuana. B requested retention in the A/C on the basis of [illegible] in the [illegible]. He would not identify the enemies, only hinting that they may have been [illegible] either on the streets or at SCI as a result of his dealing in drugs. On the basis of [illegible] information, Committee is retaining him in the A/C for the time being.

R. A. Smith, CC II/sk

MAIN & INITIAL

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San Francisco, Calif.,

cc: C-file
AWC file
CC #31 file
Inmate

Original
-already Filed
11/15

Mel Blatty Sgt
A. Saulenas, C/O
Eel River CC #31
Redway, Calif.

ATE October 2, 1972 CUSTODY and GENERAL

NAME & NUMBER
HENTLEY, J. B-38509

AWC-File

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Sonoma County Hall of Justice
2555 Mendocino Ave.
Santa Rosa, Calif.,

cc: C-file
AWC file
CC 31 file
Inmate

A.A. Saulenas
A.A. Saulenas, C/O
Eel River CC #31
Redway, Calif.

DATE Sept. 29, 1972 LEGAL INFORMATIVE CLASS. & SOC. SERV.

AWC File

AME and NUMBER HENTLEY, J. B-38509 Eel River CC # 31

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US House of Representitives
Common House Office Building
Washington, D. C. 20515

cc: C-File
AWC-File
Inmate

A. A. Saulenas
A. A. Saulenas c/o
Eel River CC 31

ATE 15 September 1972 (Legal Mail) CUSTODY and GENERA

EFHided

October 17, 1972

Mr. Joseph Bentley
Box No. B38509
Folsom State Prison
Represa, California 95671

Dear Joe:

Just to keep you up to date, last 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. Germany was the state's witness in this matter. It would appear that Germany is again cooperating with state authorities and you might consider whether his testimony would be of value in your own case.

On October 16, 1972, Denny Condon accompanied your wife to a hearing relative to the damage done to your furniture during its transportation to California. Denny testified and the case was taken under advisement. Denny advised me that according to Attorney Irving Pinta the decision will be in your favor.

That's all for now. Let me know how things are going.

Sincerely,

Ted Harrington




BSF-00752

DEPARTMENT OF CORRECTIONS

# PROPERTY TRANSFER RECEIPT

October 27, 1972

The following property of the persons listed below has been received by me for delivery to:

FOLSOM STATE PRISON: FROM EEL RIVER CONSERVATION CAMP #31
(Institution)

B-38509 BENTLEY, J.

INMATE PROGRAM NEEDS TRANSFER AS PER PROPERTY CARD. MISC. CANTEEN & TOILET ARTICLES. CANTEEN CARD IN THE AMOUNT OF $
78 ea. Envelopes, business, stamped
44 ea. Envelopes, regular, stamped
4 ctns plus 8 pkge. Camel Cigarettes
1 ea. RCA 2-Track Tape Player
1 ea. Book, "Laws of Massechusetts, vol
MISC. PAPERS & LETTERS.
Shoe Shine Equipment with 5 cans of polish & brushes.
8 ea. TYPEWRITER RIBBONS
1 ea. BINDER NOTEBOOK, Blue
1 box CARBON PAPER
1 ea. SWEATSHIRT, Blue/white
1 ea. SWEATSHIRT, Nylon, White
2 pr. SHOWER THONGS
5 pr. DARK GLASSES
1 pr. TOENAIL CLIPPERS
1 ea. BELT, Black, leather
1 pr. OXFORDS, Black
2 ea. "T"-shirts, black
2 pr. SLIPPERS, Brown
21 cans SODA POP, Root Beer
1 ea. TYPEWRITER, Portable, "Royal"
1 ea. "JUMPER" Jacket, blue
1 ea. 2-way Mirror
1 ea. Lemonade, Wyler's
6 ea. Potato Chips
1 ea. Drinking Cup, plastic
1 ea. Wristwatch, with Leather Band, "Seic
1 ea. Cigarette lighter, "Zippo"
1 ea. Norelco Speed-shaver, dbl.. head

E.K. STEVENS, Lieut.
Eel River CC #31
Redway, Calif.

Signed _____
(Title) (Institution)

I hereby acknowledge receipt of the above property.

Signed _____
(Title)

EXHIBIT
514

INMATE PROPERTY CARD

BENTLEY, J., B-38509 October 27, 1972

1 Portfolio, Leather, black

1 Trial Transcript

PERSONAL PROPERTY OF JOSEPH BENTLEY # B 38 509 (CALIF. EXCHANGE INMATE REC.10/30/72

ONE PR. DARK BRN.OXFORD SHOES (K)
ONE BR. BLACK OXFORD SHOES (K)
ONE LYELLOW JACKET (S)
ONE DENIUM JACKET (S)
ONE PR. BROWN SLACKS (S)
ONE WHITE SHIRT (S)
ONE ZIPPO CIG. LIGHTER (S)
THREE PR.SUN GLASSES (S)
TWO PR. SUN GLASSES (K)
NUMEROUS PERSONAL PHOTOS (K)
NUMEROUS PERSONAL MAIL (K)
ONE WHITE LTURTLENECK SHIRT (S)
ONE BOTTOE VASELINE HAIR TONIC (S)
ONE CONTAINER SPRAY ANTISEPTIC (S)
ONE DRINKING CUB (K)
ONE PKG.SHICK RAZOR BLADES (K)
TOOTHBRUSES (3) (K)
FIVE CANS SHOE POLISH (K)
THREE SHOE BRUSHES (K)
ONE R C A CASSETTE RECORDER (S)
THREE CASSETTE TAPES (S)
ONE PLASTIC BRIEF CASE (S)
ONE SMALL ROUND MIRROR (S)
NORELCO ELECTRIC SHAVER & CORD (S)
ONE LEGAL TRIAL TRANSCRIPT (K)
FIVE LEGAL PADS (K)
ONE NAIL CLIPPERS XXXXXXXXXXXXXXXXX (K)
CALIFORNIA I.D.CARD (PJ)
TWO CARTONS CAMEL CIGARETTES (K)
ONE GREY SWEATSHIRT (K)
ONE SHORT SLEEVE SWEATER (S)
A BOX COLUMBIA TYPEWRITER CARBON PAPER (K)
THREE BLACK TYPEWRITER RIBBONS (K)
ONE PR. ROMEO SLIPPERS (K)
TWO PR. SHOWER SHOES (K)
ONE DECK PLAYING CARDS (K)
ONE 14K GOLD WEDDING BAND RING (K)
NUMEROUS PENCILS & PENS (K)
ONE MENNON DEODERANT STICK (K)
VARIOUS TOILET ARTICLES (K)
ONE ROYAL - ROYALITE PORTABLE TYPEWRITER IN LEATHER CASE (K) SER.# 4797196
EIGHT #10 PLAIN ENVELOPES (S)
ONE BLOTTLE ZIZANIE COLONE (S)
XXXXXXXONE BOTTLE ZIZANIE AFTER SHAVE LOTION (S)
ONE BELT (S)

ONE SETKO 21 JEWEL CALANDAR WRISTWATCH (K)

CODE: S - SHIP K- KEPT PJ- PERSONAL JACKET

RECEIVING OFFICER

JOSEPH BENTLEY # B 38509

EXHIBIT
515

WORK RECORD

| | |
|---|---|
| 10-30-72 Reception | NI |
| 11-18-72 Kitchen | BI |
| 12-18-72 R.H. Kitchen (M-1) | BI |
| 3-28-73 Hosp. (Pat) | LJ |
| 4-1-73 R.H. Kitchen (M-1) | HR |
| 4-2-73 Hosp. (Pat) | IS |
| 4-7-73 R.H. Kitchen (M-1) | HR |
| 4-9-73 Hosp. (Pat) | IS |
| 4-19-73 R.H. Kitchen (M-1) | HR |
| 5-1-73 Kitchen | BI |
| 5-9-73 Rothe Hall (M-1) | BI |
| 5-11-73 R.H. Kitchen (M-1) | BI |
| 5-18-73 Inside Kitchen | BI |
| 5-19-73 R.H. Kitchen (M-1) | BI |
| 8-23-73 R.H. Carp.Shop (M-2) | BI |
| 9-14-73 R.H. Unass. (M-2) | BI |
| 9-27-73 R.H. Kitchen (M-2) | BI |
| 10-3-73 R.H. Utility (M-2) | BI |
| 12-16-73 Detention | TL |

DESCRIPTIVE DATA

BORN AT: New Bedford, Massachuset DOB: 40 (9-20-32

DESCENT: Portuguese HT. 70" WT. 185

EYES: Brown HAIR: Black TEETH: Good

COMPLEXION: Swarthy FEATURES: Round

BUILD: Stocky SHOE SIZE: 10½ D

MARITAL STATUS: Married RELIGION: Jewish

OCCUPATION: Cook & Baker HEALTH Good

EDUCATION: 8 Grades

FPC: FBI:

PRIOR CONVICTIONS:

Transfer Inmate

RECEIVED: 10-30-72 COUNTY: SONOMA (California) TERM: Five (5) yrs. to L

CHARGE: MURDER/2ND DEGREE

NAME: BENTLEY, Joseph STATE PRISON NUMBER: 38509

| | | |
|---|---|---|
| 12-20-73 | Admin. Seg. | T |
| 1-4-74 | On Lve. to Cust. | B |
| 1-31-74 | Return to California | |

2.55
20
2.75

(This form must be filled in with ink)

RETAIN IN RECORD OFFICE:

MONTANA STATE PRISON

Date N OCTOBER 30, 1972

NAME BENTLEY, JOSEPH New Man (XX)

MSP NO. B 38509 P.V. ( )

I certify that I have examined the person and clothing of the above named individual and that I received from the items of clothing listed below, attached numbered tag, and turned them over to the store.

Signed D. Englert
Admitting officer

REMARKS:

DISPOSITION
(Check one)

Destroy ____ Ship XXXX

SHIPPING INSTRUCTIONS
(Check one)

Prepaid XXXX

SHIP TO:

Name [redacted]

Street [redacted]

CITY XXXXXXXXXXXXXXX SAN FRANCISKO

State CALIF. Zip Code 94114

Checked and Shipped by: Ed
William Dodge
11/3/72

CLOTHING RECEIVED

HAT ____ Shoes TWO PR.OXFORDS -KEPT

Cap ONE PLASTIC BRIEFCASE Socks KEPT

Coats SPRAY ANTISEPTIC Underwear KEPT

Jacket TWO Shirt ONE WHITE

NORELCO ELECTRIC SHAVER & CORD

Belt ONE

Coat ____ Garters ZIPPO CIG. LIGHTER

Vest HAIR TONIC Suspenders RCA CASSETTE REC

Trousers ONE PR. Robe FOUR CASSETTE TAPE

Sweater ONE SHORT SLEEVE Necktie THREE PR.SUNGLASSE

ONE BOTTLE ZIZANIE COLONE

ONE BTL. ZIZANIE AFTERSHAVE Other ____

EIGHT - #10 ENVELOPES

Condition ____

I hereby certify that the above items of clothing and disposition is to be made as noted.

Signed-inmate Joseph Bentley

Form 200-8

MONTANA STATE PRISON

SHIPPING ORDER

DATE: OCT.30, 1972

I HEREBY REQUEST ALL MY PERSONAL CLOTHING IN THE POSSESSION OF THE INSTITUTION BE SENT TO THE FOLLOWING ADDRESS: (BELOW)

NAME: [redacted]

STREET OR BOX NO: [redacted]

CITY: SAN FRANCISCO STATE: CALIFORNIA

ZIP: 94114

INMATES NAME AND NUMBER: JOSEPH BENTLLY # 38509

OFFICERS NAME:

FORM I.I.D. # M.1.

COPY

MSP # 38509




Hi My Old Lady!

I've been in places in this world that I never expected to be in my life, but I sure never expected to be in the historical Territorial prison of Deer Lodge Montana! smile I miss you so much with such a constant ache of loneliness & love that I am glad I don't know nobody here so they can't break the one constant train of thought & image I have in my mind which is you, you, you!

Upon entering here & going through my personal effects I noticed my manuscript was stolen. When I was brought back from the fire kitchen in the woods of the Federal Smith State Park Ft Stevens at Eel River had all my belongings crated & tied down "which I considered most unusual at the time" then I was brought to Folsom to wait transfer here. My belongings were left in the Receiving Office tied up in crates, upon leaving Folsom my things were put in the hands of Chief transportation man Mr. Valby & later given to transportation man Mr Zink. My things never entered Quentin. My manuscript was either taken by Ft Steer or my things were rifled through at Folsom & the manuscript stolen. I want Bob B. to call Mr Coyle & inquire about this & to institute the necessary action to secure the manuscript back even if it means court action & suing them! Also to secure the contracts from Sierra & for him to come up here immediately to sign contracts & get the ball moving on this Book! Any unreasonable delay by him will mean that you Ted & [redacted] not Bob B." will obtain the paper Atty to take his place & proceed in a

creates by this transfer will not have the affect that was intended & slow down this business deal to a unreasonable delay & a possible financial loss. Actual the loss will be Bob B. if he doesn't show the proper interest, speed & business zest!

How is my Super Hoodie & youthful Turnips doing? [redacted], I sure, sure miss you! You got a write me lots of long, long letters like you always have. I can't do as well as you on the letter writting because the letter writting rules are somewhat different here in California but you know your dirty old man will write everyday soon as I get my brodel from Sierra & can buy stamps at the canteen until then my letters to you will be somewhat spaced apart. Tell Jo, I'll write her once a week soon as I am able. Grey Evans, I want you to call him & get his home address so I can write to his house instead of office, I don't want nobody around there but him to know where I am. He 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 & Massachusetts this is very important. I hope Grey told you what he is doing for me & gave you the info he gave me at Folsom!!!

When are we going to get some money? Don't buy a car now with the $1,000.00. If you don't want to but if you prefer go out & buy an engagment ring with the $1,000.00! Clear it so everyone can see

3

Honey, want to get this letter out so you can ge
it soon as possible, I will write soon as the
bread arrives.

My Classy Baby, if I was on the other side of the
world you know I will get back to you nothing
an stop that, because we have awhole lot of living
together to do. I love you my Wife, we are little
one now no good without the other! Ta ta B!
Smile my Baby, life cant far away + our dreams

Eternally Yours
Joe

CORRESPONSENCE AND VISITING LIST

NAME BENTLEY, Joseph AGE 30

NO. B-38509 DATE 11-2-72

REQUEST THAT THE FOLLOWING PERSONS BE ALLOWED TO VISIT AND/OR CORRESPOND WITH ME DURING MY INCARCERATION AT THE MONTANA ATE PRISON. I, THE UNDERSIGNED, UNDERSTAND THAT I AM NOT PERMITTED TO WRITE OR RECEIVE LETTERS OR VISITS FROM ANY PERSON NOT PROVED.

Joseph Bentley 38509

SIGNATURE NO.

| NAME | ADDRESS | RELATIONSHIP | DATE SENT | DATE RETURNED | DATE APPROVED | DATE DIS-APPROVED |
|---|---|---|---|---|---|---|
| [redacted] (29) | [redacted] | Girlfriend | | | | |
| [redacted] | [redacted] | Business friend | | | | |
| & Mrs. Ted Charles | [redacted] | Friends | | | | |
| & Mrs. Robert Patterson | [redacted] | Friends | | | | |
| eg Evans (28) | 3555 Mendocino Ave., Santa Rosa Ca. 95401 | Investigator | | | | |
| d Harrington | Justice Dept. 1703 U.S. Courthouse Boston, Mass. 02100 | Special Att-guardian | | | | |
| Agent Dennis Condon | J.F. Kennedy Bldg. Gov't Ctr. Boston, Mass. | Guardian | | | | |
| [redacted] | | | | | | |

EXHIBIT 517

EXHIBIT
518

Box 7

Deer Lodge, Montana 5972[illegible]

Date Nov 2 1972

Hi [redacted]

Do I love you? You bet ~~that~~ your pretty little face I do! Too, too much my Baby! I miss constantly & terribly! I know that Astoria heard from Counter Part but you know Counter Part & the way Counter Part is always in there plugging! smile 'ilait till Counter Part plugs up Super Goodie! Bi Smile I wrote [redacted] Greg & now but not least you my love! Tell me Super J's reaction to my missile which was full of Barbs! Did you send Greg a photo stat of that news clipping Tell him to send you the letter from Ted Harrington 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. How are my Turnips? Like a rabbit eating Turnip I'll be! Right on for the Turnips! Bi Smile If I am fortunate I'll hear from you Saturday or Monday, it will be like nectar from the Gods, my Heart! I found out I can write as many sheets I want to a letter & all the letters I want! snicker I sure gave Super J something to stew about, possibly he'll throw the towel in & give up the business deal, because of an immature ego "Boo to the ego & him!" But if he accepts Ederle butter won't melt in her mouth where he is concern! "snicker & smirk!" I should be working in the kitchen in 10 days. They want me now but I have to have Hosp tests 1st. Tell Bob B to

you can send it to me. I am waiting anxiously for you to tell me to write him or you tell him to write me. We got to finish that Book. Green Eyes. Oh I am so hungry for your letters my Strength Sure miss those beautiful hug & kisses my Wife. You fit so divine & well in my arms! Remember what I told you from the Airport at San Francisco thats our secret & smile with joy & happiness my Pretty, think of that always & never, never be sad or depressed, I want your promise! We see who says Uncle, [redacted]! When you do finally come up here to visit me. I'll speak to someone about a special visit, out of State visits they give special consideration to, like all day 8 to 4 for 5 days. You'll be sick of me by then! How did you like the mark in my belongings I sent you? snicker I had them pasted on my wall in Eel River to tease 3 guys. You can give those pants & shirt to the 1st wino you see! Well Honey, I have to wait 4 or 5 wks before my money comes from Sierra before I can get stamped envelopes but it won't be complete silence. I'll borrow some envelopes or whatever? You keep smiling with happiness my Wife because being my Wife your made out of the stuff to smile & not be sad! Love you with every fibre of my being! Fa ta B Imp

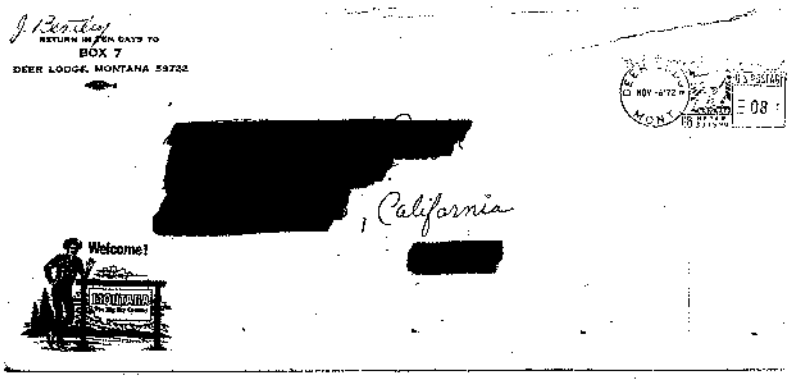
Please PRINT Address Below

Signature Joseph Bentley
(Please Sign Full Name)

To [redacted]

Address [redacted]

City [redacted] State California Zip Code [redacted]


J Bentley
RETURN IN TEN DAYS TO
BOX 7
DEER LODGE, MONTANA 59722
California
Welcome!
MONTANA

2.52
20
2.75

(This form must be filled in with ink)

RETAIN IN RECORD OFFICE:

MONTANA STATE PRISON

Date N OCTOBER 30, 1972

NAME BENTLEY, JOSEPH New Man (XX)

MSP NO B 38509 P.V. ( )

I certify that I have examined the person and clothing of the above named individual and that I received from the items of clothing listed below, attached numbered tag, and turned them over to the store.

Signed D. Enquist
Admitting officer

REMARKS:

DISPOSITION
(Check one)

Destroy ____ Ship XXXX

SHIPPING INSTRUCTIONS
(Check one)

Prepaid XXXX

SHIP TO:

Name [redacted]

Street [redacted]

CITY XXXXXXXXXXXXXX SAN FRANCISKO

State CALIF. Zip Code [redacted]

Checked and Shipped by: Ted
William Dodge
11/3/72

CLOTHING RECEIVED

HAT ____ Shoes TWO PR.OXFORDS -KEPT

XXXX ONE PLASTIC BRIEFCASE Socks KEPT

XXXXXXXX SPRAY ANTISEPTIC Uwear KEPT

Jacket TWO Shirt XXXX ONE WHITE

NORELCO ELECTRIC SHAVER & CORD
XXXXXXXXXX Belt ONE

XXXXXXXXXXXX Hankies XXXXXXXX ZIPPO CIG. LIGHTER

XXXXXXXXX HAIR TONIC Suspenders RCA CASSETTE REC

Trousers ONE PR. XXXXXXXXX FOUR CASSETTE TAPE

Sweater ONE SHORT SLEEVE Necktie XXXXXXXXX THREE PR.SUNGLASSE
ONE BOTTLE ZIZANIE COLONE
ONE BTL. ZIZANIE AFTERSHAVE Other ____
EIGHT - #10 ENVELOPES

Condition ____

I hereby certify that the above items of clothing and disposition is to be made as noted.

Signed inmate W Joseph Bentley

Form 200-8

EXHIBIT
519

EXHIBIT
520

Nov. 9, 72

Hi Beautiful,

That card was a comic strip character of you. I sure lau
& got a charge out of it! Why does the Greek have a guard &
surveillance on him if nobody called him? Well Patterson had to
run his mouth to somebody & now he is learning! What do you th
I feel like in here like a sitting duck not being able to move.
yet I have to wait my turn to go out to a ranch to cook for
5 guys, a perfect idea, spot! There is something smelly about these
phone calls & the Greeks uncalled for guards & surveillance? S
you want to know what I do here. I get up from my bed that u
attached to the wall, the runner brings the hot water around
& I wash. I go and have breakfast at 7 Am, actually its 6 Am you
time. We march single file to breakfast & back, & to all meal
Then at 8 Am I go to work in the laundry & I press, brown, bl
& white shirts till 1130 Am then go back to the cell & go hav
lunch at 12, then back to the laundry till 3.30 pm. Then it
yard or recreation time, but I choose to go back in my cell
take a nap & wait for your letter that comes at 4 30 pm. Mov
are on Thurs afternoon at 1 pm, I've seen three motor cycle
movie & one today about hippies & acid all thrash real cheap
movies! We have dinner like now at 5 15 pm come back to
my cell. You can stay out till 11 pm. I sometimes stay out til
8 but then I go in my cell either read or write till 11 pm. I
it all so stimulating & exciting! Time for dinner my love!

Hi My Baby, had a light dinner tonite I ate two grill ch
sandwiche & a cup coffee. If I can get out for an hour or tw
at seven I will, if I don't, I don't care, I'll kick back & read
Little Big Man, they made a movie of it starring Dustin Hoffm
So you think you write alot of trivia in your letters. Don't k
those letters because they mean so much to me & I depend on

hose letters, you can knock my letters to you, but not yours
ne. So there [redacted] I wrote Greek a letter I didnt ment
ancer which is so childish & ridiculous but I mentioned is operati
kin graft or whatever. What the heck is he waking you up at
he time for. Tell him to wake up Jo she doesnt have to get up
n the morning. Crazy Greek! Received a letter from Donald written
Eel River, changed to Folsom then here. He bought his oldest son
[redacted] a horse. [redacted] I sure am mad over those pictures no
oming out, then Pizza Regina went & lost the negatives, you
ell her dont make me pay for losing the negatives, I want
hose pictures!!! I think I'll buy a picture album here &
ut in the pictures I have, & the ones [redacted] owes me & the
nes you will send. Bob B wrote & said that Patterson is
emanding Brandt be brought in but that we should wait to
ee what Doubleday offers first & then if it isnt satisfactory
e should heed Patterson's demand. That "demand" gets me!
es I received Bob B's two letters. Glad to hear you are
etting a legal gun, get a 38 police special with a six inch
arrel also if you can get a shot gun. Shot guns you dont
niss with! Do that because it will be good for counter pai
The Astoria Kids rides again. ——— There was a rattle on
he window & the Astoria Kid stood in the darkness of her
oom with her shotgun & there was a faint glow from the
igar that was clinched in her mouth — smile Wonder wh
Super Boss will think of all this? I suspect once he hear
more then a silver spoon will come out! smile I had

5

the Barnstable County Jail while waiting to be brought back to Calif. I hit him two punches, he was out cold calling for his Mama, woke up 10 minutes later but didn't come out of it for two hours & had the prettiest two black, blue, red & purple closed eyes you ever saw! I sent a message to him afterwards which said "I did you a favor I stopped you from getting in the Mafia before you got in!" smile Honey, do you think I should have your phone checked by big butler to make sure it isn't tapped. I am sure they know where I am now because my letters lay in your mail box all day & other reasons like the guards at Folsom & San Quentin. I sit here like a sitting duck but yet can't go to a ranch & cook! Ridiculous isn't it! Sometime in the next few weeks I'll see somebody about the visit for you on New Years if I can get it for 1 week how many days can you stay, tell me! You did not tell me what you thought about what Patterson wrote so far. How is? I would like a copy right away. Also who did Patterson see back East Colonel Stone? Harrington? Conan Doyle? Who besides Brandt. I have your card to write over my mirror, is that diamond ring on her finger a hint? I must wheck you your full of ~~cuddl~~ subtleties my Imp! smile Love you so much [redacted] & miss you awfully! We'll certainly have a fabulous time of togetherness on our Camper Trip & I will be claimed the undisputed boss when I am through! You dig!

Hmmm so you are old fashion & well abide by all my decisions. HA-HA-HA Yea after your sure I decide on the way you want me to decide! Don't con me Turnip I am hep to you! But I love it & everything about you no life won't be dull with me & it won't be dull with you either Honey! I sure wish life could start for us right now! But it will my ~~Babe~~ Baby, it soon will. Sure am anxious to hear Doubleday's bid & offer. Patterson needs to spend alot of time with me here. I am rather irked, everybody is reading his work on the Book but me. Rather sloppy arrangement I think. I sure hope Bob B. is good to you now, if he ain't now he means

ISH TO CORRESPOND X
O NOT WISH TO CORRESPOND

CORRESPONDENCE & VISITING
QUESTIONNAIRE (CONFIDENTIAL)

MY NAME:
MR. GREG P. EVANS DATE OF BIRTH 12/17/45 AGE 26
MRS. DATE OF BIRTH AGE
MISS DATE OF BIRTH AGE
MY ADDRESS: RES: 50 Knolls Lane, Santa Rosa, Calif.
BUS: Rm. 215-J, Hall of Justice, Santa Rosa 95401

GIVE THE NAMES AND ADDRESSES OF TWO PERSONS (NOT RELATIVES OR EMPLOYERS) WHO HA
KNOWLEDGE OF YOUR CHARACTER:
1) James Packard, Deputy Chief of Police, Fresno, California
2) Thomas J. Rauch, Chief Investigator, Alameda County Public Defender, 1225 Fallon, Oakland, California

RELATIONSHIP TO INMATE: (MOTHER, FATHER, WIFE, FRIEND, ETC.) Investigator
PLEASE CIRCLE ONE: MARRIED - SINGLE - SEPARATED - DIVORCED - WIDOWED - ETC.
HOW LONG HAVE YOU KNOWN THE INMATE? june 1970
I WRITE OR VISIT ANOTHER INMATE: YES NO xx NAME

HAVE YOU EVER BEEN ARRESTED OR CONVICTED: YES - MR. MRS. MISS
NO - MR. x MRS. MISS
IF THE ANSWER IS YES, GIVE FULL DETAILS OF THE
OFFENSE APPROXIMATE DATE, DISPOSITION: JAIL, FINE, KT

(Use additional paper if necessary)

I AM NOW ON PROBATION OR PAROLE: YES - MR. MRS. MISS
NO - MR. X MRS. MISS
IF YOUR ANSWER IS YES, FROM WHERE ARE YOU ON PROBATION OR PAROLE

MY OCCUPATION OR BUSINESS Investigator - Sonoma County Public Defender
MY EMPLOYER OR NAME OF BUSINESS County of Sonoma Office of the Public Defender
ADDRESS OF EMPLOYER OR BUSINESS Rm. 215-J, Hall of Justice, Santa Rosa 95401

AD CAREFULLY: IF YOU ARE A MARRIED PERSON BOTH SIGNATURES ARE REQUIRED. PLEASE
GN YOUR NAME IN THE DESIGNATED SPACE PROVIDED. PERSONS UNDER 18 YEARS OF AGE
ST HAVE SIGNATURE OF THEIR PARENT OR GUARDIAN; ALSO YOU CANNOT VISIT UNLESS AC-
MPANIED BY AN APPROVED ADULT.

TE November 9, 1972 MR. Greg P. Evans
TE MRS.
TE MISS
TE GUARDIAN

NOT WRITE BELOW THIS LINE.

) DISAPPROVED ( ) CORRESPONDENCE ONLY (x) CORRESPONDENCE & VISITIN

TE 11-14-72 BY: [signature]

EXHIBIT
522

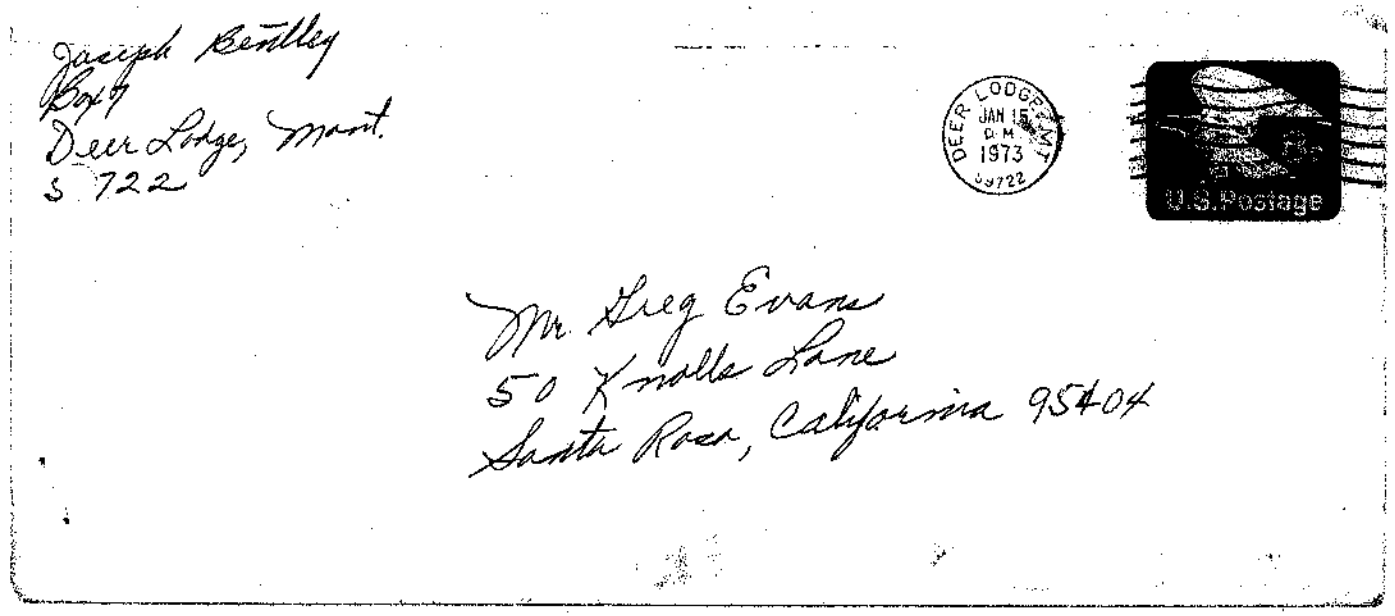

Joseph Bentley
Box 4
Deer Lodge, Mont.
S 722
DEER LODGE MT
JAN 15
P M
1973
59722
U.S. Postage
Mr. Greg Evans
50 Knolle Lane
Santa Rosa, California 95404


EXHIBIT
523

Box 7

Deer Lodge, Montana 59722

Date Nov 15 1972

Dear Greg,

I am forced to write again to your office which I wish you would alleviate this imposition by giving me another address to write to.

Inserted in a letter I received last nite from Herrington He'll tell you what he actually means by calling him.

If you find it at all possible to call miss [redacted] & give her a phone # for her to call back that you are sure isn't bugged, then she can call you from a safe phone at whatever time you both agree on I would appreciate it or go see her & have a long talk with her.

I don't like it here & I will wait two more weeks before I start court action "Prose" to go back to Folsom

If you would please inform Nancie Williams at this point I cannot write to her because I am not in a position to be able to because of not wanting too many people to know where I am. I would appreciate this. I will write her in the future when it is feasible.

Please insert a pen in your Chubby little hand & write me.

My best to Diane.

Sincerely
Joe B

Joseph Bentley

Please PRINT Address Below

Signature _____
(Please Sign Full Name)

To: Investigator Greg Evans Public Defenders Off.
Address: 555 Mendocino Ave. Hall of Justice
City: Santa Rosa State: California Zip: 95401

Received 11/16/72 [illegible]

Box 7

EXHIBIT 524

Deer Lodge, Montana 59722

Date NOV 16 1972

Hi [redacted]

With all these uptight letters, I think I'll keep quiet for a couple of days because if I can't write anything pleasant I rather keep quiet until I cool off because I am sure very super uptight! When I received your letter tonite about the meeting, & then you asked me about the manuscript with more question that showed you doubted me like when you said "Why the hell did you make all this fuss about having Ted & Jo give me a copy of the Book when you could have given me the one you had etc, etc etc. Well I only have ½ of a manuscript, only the typed section, Ted has the type section, & the last section handwritten, which I don't have. I will not get more Specific than I already have been. Infact I don't care what Jo & Ted say, but you listen to them because here more truthful than I am. I don't want the matter of the missing manuscript mentioned no more, I don't wish to pursue the matter any further. You write that I make you uptight, maybe that is true so its best I shut up for a few days & I'll straighten out my own problems & my own way. As for their reasons for sending me here, that is their choice but it doesn't mean I have to accept it.

Who are these friends of Ted's that he as told about me, & who is this Harry that give you a late call, I want to last name. I have my reasons.

Forget about the call to Bedell, I'll handle it myself. I mean this & I want to hear no more about it.

I am not impressed that Bob B. attempted to punch 65 year old man. What does it take to bring out the

tiger in him the sick, lame & old aged!

You mentioned a forward, a blurb by some Dude from back East. WHAT DUDE?

Ted friends & the cops were concerned that if something hot was going to happen at the Hosp. What friends as he been talking to? And what 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 & to be introducing you to people as my friend like the guy with the ring.

I am trembling right now because I have been called a liar, & also alot of crap is going on out there that is making me sick to my stomach!

Patterson, his Misses & all those so called righteous citizens who look down their noses at me because they considere themselves true citizens of society. They sure are & they stink! All trying to take their best shot because of the money involved in the Book. 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 as stulled & lied about. Everybody has a price tag, well I don't, & I am sick of the Book & you'll hear how sick I am of the book very shortly by what I am going to do! I always make money, good money, I don't need the money from the Book!

Love you [redacted] & these days are years now with all this malarky.

Please PRINT Address Below

Signature Joseph Bentley
(Please Sign Full Name)

To [redacted]

Address [redacted]

City [redacted] State CALIFORNIA Zip [redacted]

WISH TO CORRESPOND ✓
DO NOT WISH TO CORRESPOND

CORRESPONDENCE & VISITING
QUESTIONNAIRE (CONFIDENTIAL)

MY NAME:
MR.
MRS. [redacted] DATE OF BIRTH 4/27/41 AGE 31
MISS DATE OF BIRTH AGE

MY ADDRESS: % Special Agent Dennis Condon - FBI B406 BOSTON, MA

GIVE THE NAMES AND ADDRESSES OF TWO PERSONS (NOT RELATIVES OR EMPLOYERS) WHO HA
KNOWLEDGE OF YOUR CHARACTER:
1) MR. DENNIS CONDON - FBI B106 - BOSTON, MASS.
2) MR. Edward Harrington - Same

RELATIONSHIP TO INMATE: (MOTHER, FATHER, WIFE, FRIEND, ETC.) WIFE
PLEASE CIRCLE ONE: (MARRIED) - SINGLE - SEPARATED - DIVORCED - WIDOWED - ETC.
HOW LONG HAVE YOU KNOWN THE INMATE?
I WRITE OR VISIT ANOTHER INMATE: YES NO — NAME

HAVE YOU EVER BEEN ARRESTED OR CONVICTED: YES - MR. MRS. MISS
NO ✓ MR. MRS. MISS
IF THE ANSWER IS YES, GIVE FULL DETAILS OF THE
OFFENSE APPROXIMATE DATE, DISPOSITION: JAIL, FINE, ET

(Use additional paper if necessary)

I AM NOW ON PROBATION OR PAROLE: YES - MR. MRS. MISS
NO ✓ MR. MRS. MISS
IF YOUR ANSWER IS YES, FROM WHERE ARE YOU ON PROBATION OR PAROLE

MY OCCUPATION OR BUSINESS Housewife
MY EMPLOYER OR NAME OF BUSINESS
ADDRESS OF EMPLOYER OR BUSINESS

READ CAREFULLY: IF YOU ARE A MARRIED PERSON BOTH SIGNATURES ARE REQUIRED. PLEASE SIGN YOUR NAME IN THE DESIGNATED SPACE PROVIDED. PERSONS UNDER 18 YEARS OF AGE MUST HAVE SIGNATURE OF THEIR PARENT OR GUARDIAN; ALSO YOU CANNOT VISIT UNLESS ACCOMPANIED BY AN APPROVED ADULT.

DATE MR.
DATE MRS. [redacted]
DATE MISS
DATE GUARDIAN

DO NOT WRITE BELOW THIS LINE.

( ) DISAPPROVED ( ) CORRESPONDENCE ONLY ( ✓ ) CORRESPONDENCE & VISITIN
1-21-72 BY:

EXHIBIT
525

WISH TO CORRESPOND ✓
DO NOT WISH TO CORRESPOND

CORRESPONDENCE & VISITING
QUESTIONNAIRE (CONFIDENTIAL)

MY NAME:
MR.
MRS. [redacted] DATE OF BIRTH 5/4/33 AGE 39
MISS
DATE OF BIRTH AGE

MY ADDRESS: 1716 - 25th Ave San Francisco, Calif. 94122

GIVE THE NAMES AND ADDRESSES OF TWO PERSONS (NOT RELATIVES OR EMPLOYERS) WHO HA
KNOWLEDGE OF YOUR CHARACTER:
1) MR. Dominic Richard 2267 42nd Ave. San Francisco Calif.

2) Special Agent (FBI) Bernard Feeney FBI San Francisco office.

RELATIONSHIP TO INMATE: (MOTHER, FATHER, WIFE, FRIEND, ETC.) Friend
PLEASE CIRCLE ONE: (MARRIED) - SINGLE - SEPARATED - DIVORCED - WIDOWED - ETC.
HOW LONG HAVE YOU KNOWN THE INMATE? Several years
I WRITE OR VISIT ANOTHER INMATE: YES (NO) NAME

HAVE YOU EVER BEEN ARRESTED OR CONVICTED: (YES) - MR. MRS. MISS
NO - MR. MRS. MISS
IF THE ANSWER IS YES, GIVE FULL DETAILS OF THE
OFFENSE APPROXIMATE DATE, DISPOSITION: JAIL, FINE, ET

Please refer to Mr. Reuben Coyle Calif. Dept of Guardians. Had Special Clearance to write + visit Sam
(Use additional paper if necessary)

I AM NOW ON PROBATION OR PAROLE: YES - MR. MRS. MISS
NO - MR. MRS. MISS
IF YOUR ANSWER IS YES, FROM WHERE ARE YOU ON PROBATION OR PAROLE

MY OCCUPATION OR BUSINESS Self Employed Electronic Business
MY EMPLOYER OR NAME OF BUSINESS T.T.S. Electronics
ADDRESS OF EMPLOYER OR BUSINESS Self

AD CAREFULLY: IF YOU ARE A MARRIED PERSON BOTH SIGNATURES ARE REQUIRED. PLEASE
GN YOUR NAME IN THE DESIGNATED SPACE PROVIDED. PERSONS UNDER 18 YEARS OF AGE
ST HAVE SIGNATURE OF THEIR PARENT OR GUARDIAN; ALSO YOU CANNOT VISIT UNLESS AC-
MPANIED BY AN APPROVED ADULT.

TE Nov 25th MR. Charles J. Hanlon
TE Nov 25th MRS. [redacted]
TE MISS
TE GUARDIAN

NOT WRITE BELOW THIS LINE.

( ) DISAPPROVED ( ) CORRESPONDENCE ONLY (X) CORRESPONDENCE & VISITING
TE 12-5-72 BY: W. Smola

EXHIBIT
526

... Wees

ben Coyle, again Castnite & made a carbon
sent the both letters special delivery &
sent them out I spoke to Lt Weer, her
my problem & the existing pressure. &
ter a call was put through to Deputy
requesting an interview concerning
lked with him two weeks about, he
he would see me sometime today
Now I want you to make one call
ng this matter. Ted Harrington, is a
of the Justice Dept. in Wash. who is
of the "Fed. Task Force" out of Boston.
ston is [redacted] call him between
our time, it will be 4 to 4:30 pm he
be in his office, when you place
operator that you are calling for
gton, is in constant touch with Coyle. Infact
reason why I have Coyle, etc. etc!
occurred here, & the attitude of in ...

EXHIBIT
527



[illegible]

Also call up Alphie. Alphie must know about Carl. Carl is alright, he is just upsetting "Dooley" in "Sausalito" & "Santa Clara". "Sam" "today" being concern! It only "Arts" way to get to "Sue". "Harry" has nothing to be "casual" about! ☺

No mail tonite from you. Blah! So tomorrow I'll get you Sat & Sun letters if you wrote. Now that it is the holiday season, the mail will be lousy till it is over.

I made a chili bean & Hamburg today. It all went for lunch & I made double the amount! Wish you could have tasted it.

Got to go on a diet again Imp; I am getting too fat! Oh well I will when the time gets close & I know for sure when I am being released.

Received $5.00 in a Xmas card Lastnite. Thats why I was able to send those two letters certified, still have enough to now mail you back the copy of the Book with corrections. See that the little weasel Patterson gets it & adheres to the corrections.

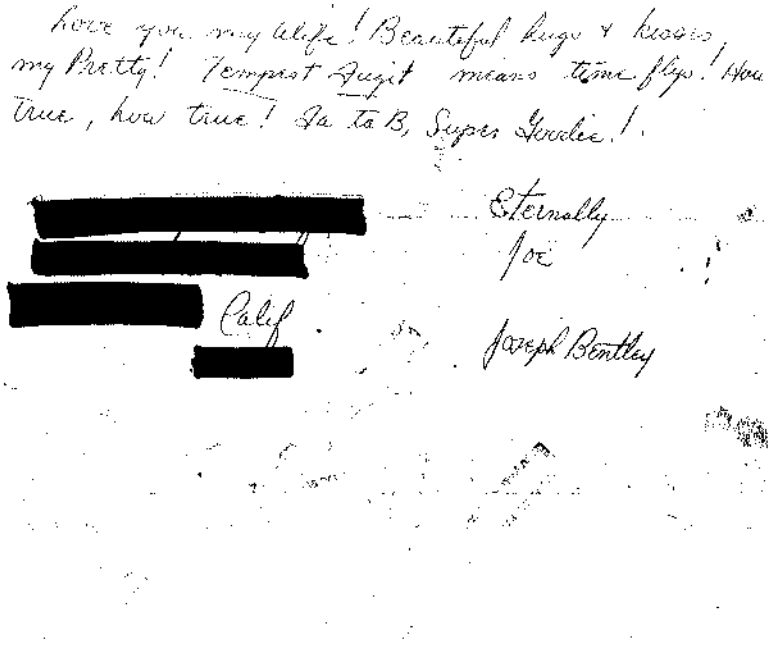
I noticed you wrote X anniversary for Dec 7th. That was the day they killed my partner Chico in 1966 & I was sitting in Charlestreet Jail.

I was married to an Italian girl once for 4 years. She is dead now bad heart. A fine fine woman. I got the divorce & she didnt contest it. I met her

Away & the mail when I did that 8½ years. & when I get out I married her. That sound familiar? smile

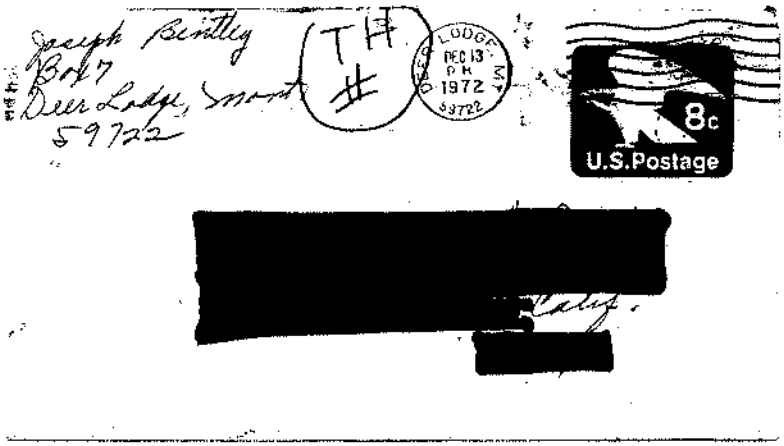
Was saying here today thinking of the trip with a camper. For out thoughts! Hope it happens soon! By the time you get this letter Bob B. will be off on his holiday vacation. Leaving me in a mess! No word on the civil right restoration, no contracts, no nothing. I hope he has a miserable time the Bum! your mom, will be coming in soon. Don't forget to show her the bathroom & spiders. Oh & don't forget to show her your posters. Poor lady would have a heart attack if she knew her one & only had those posters! smile Got 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 & those convicted come up about that time

Well my Turnips, think I'll read for awhile & put my mind in Texas, breaking out of Yuma Prison to go get my hidden $100,000 from a stage coach payroll with the posse in hot pursuit, but not to close because I am dead eye for quick on the draw & image I come from Montana! Poor Otway, I am from Texas? Breaking out of arizona? From Montana? smile



Love you my Alife! Beautiful hugs & kisses, my Pretty! Tempest Fugit means time flys! How true, how true! Ja ta B, Super Goodie!

[redacted] Eternally
[redacted] Joe
[redacted] Calif
[redacted] Joseph Bentley


Joseph Bentley
Box 7
Deer Lodge, Mont
59722
DEC 13
P M
1972
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8c
U.S.Postage
[redacted]

Dec 13, 1971 Wed

Hi My Baby

Well I finished my western Lastrite. At the end the girl said wherever you go I want to go with you!" I read those words & I thought of you. You & I [redacted] wherever one of us goes the other will be right along side the other! I sure love you [redacted] & through this miss & loneliness for each other, this struggle especially on your part to make us come together, it sure would take a power greater then we know to ever separate us! I wrote Greg Lastrite & told him to call you concerning the incident I had here & that you would tell him. Lets hope he calls Honey. Ill be sending you back the manuscript within the next couple of days, Ill send it to the office I dont 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 thats 30 months I have been in. When I see the Parole Board in May Ill have 35 months in & in our jurisprudent society only 17 months well 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, on March 1st 1972 a law passed granting all jail time awaiting trial would count, only to March 1st, it was not retroactive preceding that. [redacted] were written to Sacramento by Marteen

EXHIBIT 528

miller + 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, did I tell you this at Folsom? This year I've spent from the Santa Rosa Jail, to Vacaville, to Tehachapi, to Wasco, to Folsom, to Eel River, to here. Of all of them this is the worse situation I've been in. Now for some encouraging news I just got from Deputy Warden Blodgett just now! He said he had been on the phone with Coyle, + she was going to send me out to Ranch 2 very shortly. Ranch 2 consists of about 6 inmates outside the wall out in a ranch of course away from everyone else. Thats all I know about it right now. It sure takes alot of relief + tension off of me. I sure hope it is soon. Could dig doing a little horse back riding rounding up cattle. Told you my reading cowboy books would prove not in vain! smile Yes I'll sure be glad to get away from the pressure I've been put through in here, everyday I was getting closer + closer to doing something I sure didn't want to do! Thinking about it now, still believe all this when I see it + it happens!

Hi [redacted]

Received your Sunday letter tonite. You should have never gone out Sat with your two friends! You need all the rest you can get when you have a cold like that. I hope your feeling better. Yes, I remember those two people if I am not mistaken you told them about you + I. You don't like Herman food? Herman cooking ranks with the

best in the world! I like them dark purses & some meat dishes. Yes, will decorate if I am home next X mas. Even though the kids are jewish I use to decorate for them & they loved it. I know how you feel this year. What is the sense of decorating if there is no happiness. Ol it was warm today here, it was 1 above! smile to think I played serious once about living in ~~more~~ Montana, thinking of mountains & wooded areas, trees. Yeh there is & its covered with snow 9 months out of the year. I dont want to hear about the cold crisis Calif faces! I never appreciated it more then I do now being away from Calif. So "Sid" gave you a going away present. Well if its what I think it is, its about time! Look how life is, he ends up with your visits & I am too far away to get them. The best thing that could happen is that he is kept inside all the time so he can learn the feeling again because he sure forgot! What did Ted say about me cutting him to 20%. Look Honey, if Bob B. didnt get in contact with Brandt. I hope you'll speak to Patterson & get Brandt, if he'll accept the 9%. Which I am sure he will. If you get sick when I am around, you are in trouble Because the only time you'll get out of bed is to go into your lovely bathroom, so make that rear of you flaming red if you get up. Lots of juices, & asperins plenty of rest. Stay in bed [redacted] all day, read, write TV. but you'll certainly get it if you get up! so there

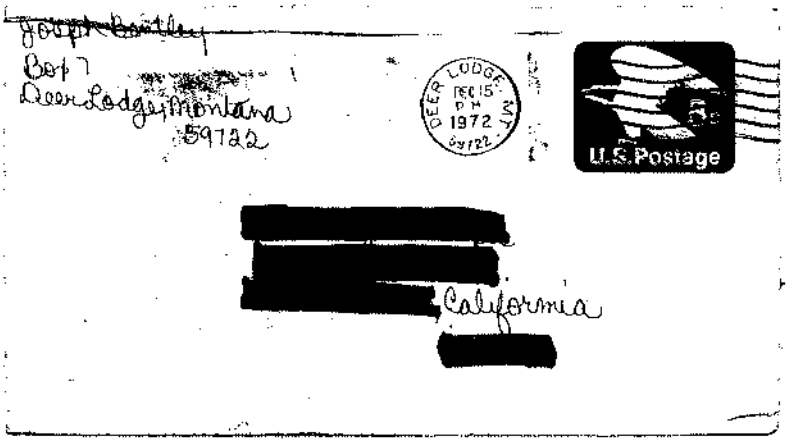
Went & got some medication for my arthritis today & the

nurse said "What do you want you fancy talking Bostonian? She is a nice woman in her fifties. Alot of guys ~~[illegible]~~ here don't like her but that's because they are punks!" I have a very warm fur lined jacket with a hood! I wear long johns! smi

So you'd like a trip to the Caribbean. Well lets plan these things after we see what the Book does. If its good we'll go. Ski, told me he read ⅓ of the Book, & liked it. You take good care of yourself & get rid of that cold. When you see Ted, tell him I said "I would say how does it feel? But he is still on a picnic compared to Mario!" Everytime I think of Bob B. gone with all this mess, I could scream! Honey, do you think I should get rid of him altogether? Sure hope something breaks soon but how can it Super Punk is gone for the holiday. But at least if Patterson sends all the copy to date, I can correct mistakes & send it back, as I will this copy soon as Ski gives me it back. I do want Ted Harrington & Colonel Stone to add something to the Book they know what they are talking about. Give Patterson Harringtons tel # & tell him to call him for a statement, & 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 done [redacted] its your book too!! Well my Wife, time to finish "The Last Nights of Pompeii". Love you my Pretty! Beautiful hugs & kisses! Keep Super Goodie warm! ☺

Eternally
Joe
Joseph Bentley

[redacted]
[redacted] Calif [redacted]


Dept
Deer Lodge Montana
59722
DEER LODGE MT
DEC 15
PM
1972
U.S. Postage
[redacted]
California

Hi My Baby.

How are you today my lovely, hope youre feeling better from that miserable cold.

Shi, gave me the manuscript back, said he liked it & held his interest. I am suppose to see him again today & have him mail it back to you today at the office. I sure hope Patterson doesnt give you a hard time getting the rest of the copy so you can mail it to me to read & correct. Its bad enough with Bob Bs attitude. So while everything as come to a halt while he is gone, I sure hope we can at least do something constructive like correcting the Book. I wrote to Jes Harrington & asked him to write something like Claude Pepper did. I am sure if he does it will be much better & much more knowledgable. I am sure he will. Got to keep plugging Honey, if we are going to get this thing done right.

As I always do I lay here & think of you & the things well do once we are together & I sure feel that once we know reality, it will exceed the delights of our anticipation. We share so many common interests & I feel we do blend perfectly together. I love you my wife! Been here 7 wks & that darn money of mine from Calif. still hasn't come, will sure be happy when it comes. Being a convict sure is a lowly state & they dont let you forget it!

I almost made up my mind, or lets just say I am almost sure that I want to go to school for writting. I like writting, it comes very easy to me. Especially where as Ill be with you & rarely with anyone else out in the wilderness besides when you pick on me, Ill go into my class &



d to learn how to type. I sure am
because 5 or 6 times I started to even
ing school & I never started. I will
n help & knowledge I will. They say
man is a strange thing, it can inspire
things & destroy others. You can attempt
go about me long as I don't turn out
sure you will inspire me to better
would say that January as the prospect
onth. Tell me when does Ted expect
trip? I did find out the Ranch 2 is
ion. I'll only believe I am going there
Hey Bubbles, you never did tell me
my call & when I said no I don't
, let him write! Mustn't have done
ere it is too much good! ☺ Glad
coming in soon for Xmas. Your place
you. I have visions of her scrutin
s this dirty old man! smile I'll sa
hat it is?" Big smile I don't know who to.

believe one letter was Dec 8 4! ok I am steaming! Super Punk is gone till Dec 18th !!! Terrible! Also I thought Patterson had another 45,000 words done.. I acquired Blumenthal & Patterson through Ted & they sure are 3 birds of a feather! No use trying to do something now because Super Punk is gone. Received his card that you wrote for him B.T. deal! He knows I am a jew, what he too good to acknowledge it! Honey, they are in for a shock! Because I don't forget easy! Boy, what a bummer that is Honey! Super Punk, will come back in be too busy for awhile to get to me! Well it looks like I am going to get rid of him. As to Patterson, I thought he was so sick that they told him to retire, but yet here is the old creep going to work for the West coast Ny. Times. If he sells anybody out, it will be himself & that for sure more than he'll ever know. Jan 18th ok brother! Do you know another lawyer that will handle it for 5% & get things moving right away, if you do, do it now! So tell you what, you tell Ted & Jo to get things moving right away! I mean it or they'll find themselves out in the cold! I am through playing around & putting up with all this happy bull—! You tell Ted to go to another Attorney & pay to have the contracts drawn up Teds, Patterson's & Brandts, find out if Brandt wants the 9%. Write Blumenthal up for 5% in the contract, & send them to me. Also if Doubleday does right & comes up with the right offer ~~they~~ their contract so to be made up. Tell Ted I want this done

now! I mean it [redacted] Ill see Blumenthal later I dont need him! If you know a good tight mouth Atty get him [redacted] & we'll get this thing going! Ill wait till after New years if Patterson dont answers me, Ill send him a letter!! If I go out to Reno 2 I dont want to go back to Folsom, but if I dont, I want to go back to Folsom. Coyle is just being all cop to say the only place I can go to is Folsom, he could send me to other places in Calif, but if I have to I will go back to Folsom! Thinking of those two Bobs has me steaming !!! That Ted better get those contracts written up! Dont even write Blumenthals contract, just Teds, Pattersons! oh I dont even know what to think but Ill tell you this what goes around comes around! Honey I am not mad at you in the slightest. Ill write & answer your letters tomorow because my head is screaming & those people have me seeing red!

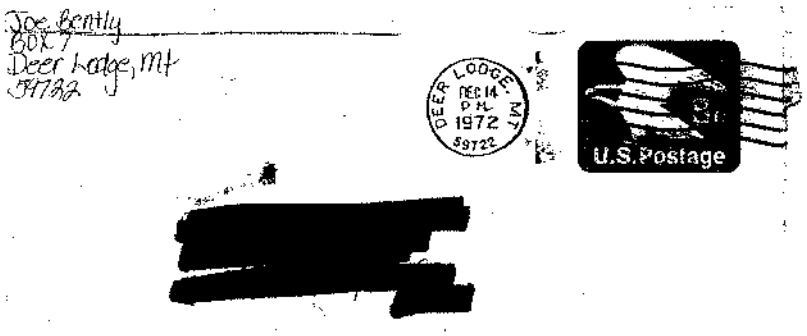
I love you Honey, beautiful hugs & kisses! Take care of that cold!

Eternally

Joe

Joseph Bentley

[redacted]
[redacted] California
[redacted]


Joe Bently
BOX 7
Deer Lodge, MT
59722
DEER LODGE, MT
DEC 14
P M
1972
59722
U.S. Postage

SUBJECT TO PRIOR COURT ORDER

Mr. Callahan December 21, 1972

T. J. Feeney

SAs Thomas J. Baker; John Connolly, Jr.;
Arthur C. Grubert
INCENTIVE AWARD MATTER

SAC, New York, recommended incentive award for SAs Baker, Connolly, and Grubert in view of their superlative efforts in identifying a badly wanted Identification Order Fugitive, Francis Patrick Salemme, whom they observed walking on a street in New York City. Special Agents surveilled subject, Salemme, to a logical location where they announced the identity and placed him under arrest without incident. Special Investigative Division agrees that incentive award merited, however suggest that this be in the form of group incentive award. Administrative Division concurs w recommendation of Special Investigative Division.

Services SA Connolly and Baker satisfactory past three years. Connolly commended once, Baker commended twice. Grubert censured 6-24-71, however, commended on two occasions. All rated Excellent 1972 performance rating, all completely available and overtime satisfactor Details:

SA Connolly, EOD as SA 11-4-98, is in GS-11, $14,641.
SA Grubert, EOD as SA 5-22-67, is in GS-12, $15,866.
SA Baker, EOD as SA 11-13-67, is in GS-12, $15,835

RECOMMENDATION:

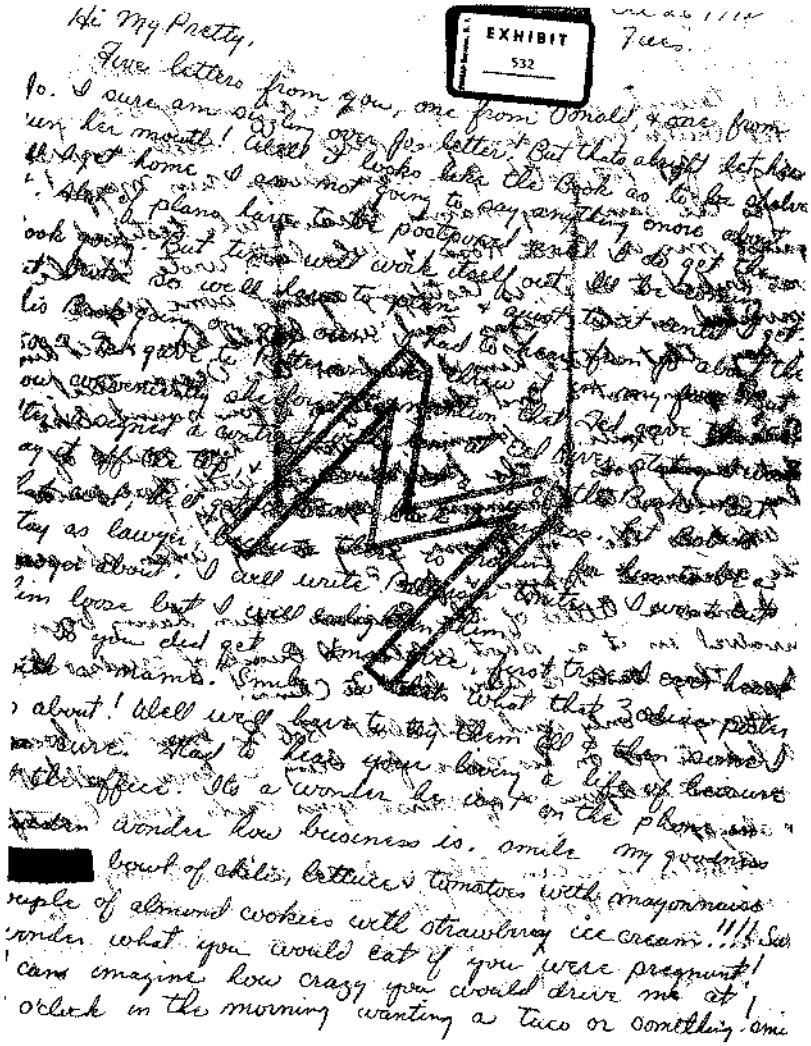
That SAs Thomas J. Baker, John Connolly, Jr., and Arthur C Grubert share equally in a $150 group incentive award.

1 - Personnel File of SA Thomas J. Baker
(1) - Personnel File of SA John Connolly, Jr.
1 - Personnel File of SA Arthur C. Grubert

BOK:lap
(5)

EXHIBIT
531

FBI-HCGR-000001150




Hi My Pretty,

Tues.

Five letters from you, one from Donald, & one from
No. I sure am crying over [illegible] letter. But that's about [illegible]
'em her mouth! Except I look like the Book as to [illegible]
[illegible] get home I am not going to say anything more about
[illegible] plans here to the postponed [illegible] to get the
book party. But time will work itself out. We'll get the
at Burke. So we'll have to plan [illegible] about it until you
[illegible] Book [illegible]
[illegible] [illegible] [illegible] [illegible] from you about the
our [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible]
[

Kristen Honey, have [redacted] write me + put on my mailing list. I think I can talk to him + get another writer through him. So you have visions of seeing fat butter ball when you visit me. Well suppose I do get fat, fat, fat! you can always run [redacted]

yes the same guy named Kerauway who testified against me in Santa Rosa, + who later wrote that he was bribed to do it, to testifying against some people convicted in the Deegan trial; who bribed him + told him to say that I told him I lied on the Deegan trial.

So your not a 2nd class citizen + you sound like Sinatra! Smile. Hmmm; I wonder how much of that money goes to the Redsfor Camp; with those prices they could go to Grossingers in up State N.Y.!

What is the Big Mama going to say when she see the ornaments [redacted] + [redacted]?

I know a little of the Seamens Union having been involved in it a short while. A bunch of crooks + I hope they take a slow boat to China!

Honey, I only said that about Bob Bs Xmas card because I like to get on his case for being a know it all! I'm not religious + of course your cards were beautiful + alright!

Bubbles, you can believe I never bow to anyone!! Never have all my life! Gone to some nightmares in order to never bow down to no one + I've suffered for it but I still can say I never, + never will bow down to no one!

Hi Honey,
Just rec'd your letters. It must be either Carlos or [redacted] more so [redacted] thinking that I am out because that's what [redacted] felt when I left Eel River that I was going out. Carlos + [redacted] had the # to get in contact with me. Tell you said Ted was upset, ell me exactly what Ted said! Well Honey, if Patterson ont return your calls, I want Ted to get a hold of him I want to find out just what Patterson has in his mind. think Ted is really going to get beat for $1500 ≅ by Patterson. e must think about getting rid of Patterson because he definitely gone very far astray. It's Ted's business to lk to Patterson + find out just where he is at now! I ont Ted to talk to Patterson!! The mail situation is very deplorable situation isn't it, but what can we do it wait. So your Mom, is coming down for xmas. Well I hought she would be there by now. Jo + Ted sure must hink you have nothing to do but cater to their whims ell them I said "to get ____! So my Baby is going to get new ditty. That's good. but now we are still kept ith Patterson. Ted better find out just what Patterson o up to! If you sent Nicky the card he must think am out? I am sorry it caused you so much orry + distress. If it is [redacted] he must have had he n call. Over two weeks ago we wrote those uptight tters, + now I hear the answers. Don't want to talk et them no more. As to the 'incident" I told Sue t "Carl" used "Sausalito" + "Santa Clara" to get closer "Sam" + "Art" will [illegible]

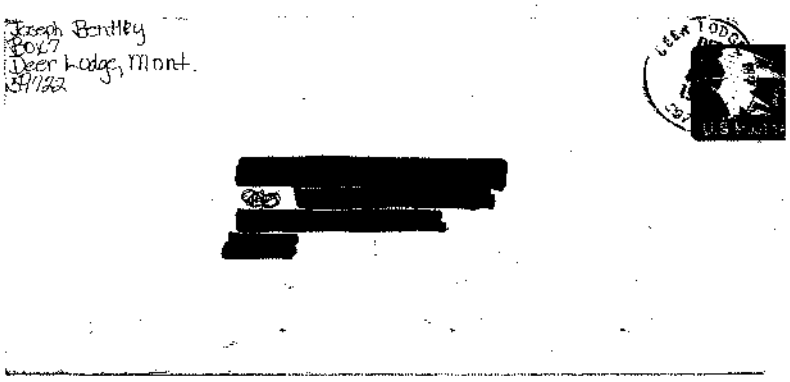
[illegible] can't stress enough that Sid iron "stamps"
Again I hope "Skip" drove "Speedy" because I will come
the point in the end that "Bob" will take "Blackie" & "Today"
"Speedy". So I hope "Chip" gets it together. Between you
& I Honey, Ted caused all this getting me Bob R, then
getting Bob P., its so place to get Patterson to clearly admit
his intentions if Ted doesn't, I don't need him in any
part of this Book! Do you know that part of the Bug
in "Sausalito" concerning "iron" "staples" is now with
Pat" where he is, so when the "stamps" are "iron" the
ther end in Sausalito who receives the iron, then goes
to the other end where "Carl" is, & Pat gets Valva.
Smile that ought to keep our buoy up. I sure hope
when you get this letter that you are in a good mood
your mother is with you. Hope to hear from
Ted very shortly concerning his talk with Patterson!
love you [redacted] yes no more uptight letters
between you & I. If we only can get the Sharkiss,
Patterson & Blumenthal out of our lives we wouldn't
hassle! smile Duck! [redacted] is shooting again! I love
you my Wife! Beautiful hugs & kisses my Bubbles!

Eternally
Joe

[redacted]
[redacted]
[redacted] California

[redacted]

Joseph Bentley


Joseph Bentley
Box 7
Deer Lodge, Mont.
59722
DEER LODGE
[redacted]

KFH:ded

December 27, 1972

Mr. Joseph Bentley
MPS No. B38509
Montana State Prison
Deer Lodge, Montana 59722

Dear Joe:

I hope that 1973 will be a much more joyful year for you than have been the past few years and that your petition before the parole board in May is greeted favorably.

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 think I would be able to provide the ghost writer a more ample picture of your contribution to law enforcement verbally rather than in writing at least initially because it will be only by talking with him that I will be able to determine exactly what type of material will be relevant to your book. Please have him contact me and we will make arrangements for a meeting. When the book is completed, I will be quite happy to write some remarks in the preface extolling your contribution to law enforcement in the organized crime field.

Hoping that you have a happy new year. Please respond and let me know your feelings with respect to my suggestion.

Sincerely,

TED HARRINGTON

EXHIBIT
533

BSF-00789

[redacted]

[redacted]

MONTANA STATE PRISON
DEER LODGE, MONTANA

, WARDEN

Page 2

INMATE'S NAME Joseph Bentley
MSP NO. B35509

I request that the following named persons be allowed to visit and (or) correspond with me during my incarceration at the Montana State Prison:

| NAME | FULL ADDRESS | RELATIONSHIP |
|---|---|---|
| 1. [redacted] | | |
| 2. [redacted] | | |
| 3. [redacted] | | |
| 4. [redacted] | | |
| 5. Mrs Mrs Robert Patterson [redacted] | | |
| 6. Greg Evans [redacted] | | Investigator |
| 7. Special Atty Ted Harrington Justice Dept 1708 US Pay Courthouse Boston Mass | | Guardian |
| 8. FBI Agent Dennis Condon J.F. Kennedy Bldg Government Center Boston | | Guardian |
| 9. [redacted] | | |
| 10. [redacted] | Boston | Wife |

I, the undersigned, understand that I am not permitted to write or receive letters or visits from any persons not approved.

Joseph Bentley B35509
Signature MSP No.

IN CASE OF EMERGENCY NOTIFY:

| Name | Address | Phone No. | Relationship |
|---|---|---|---|
| [redacted] | | | |

MSP Form No. 1615

EXHIBIT
534

Dear Greg, Jan 14 19

You certainly are putting a shine on me y
rasty kid!

Well I hope you + Dianne had a pleasant
Xmas + New Years.

I am outside the walls now at a Med. +
minimum Security Compound call Rothe Hall whe
t is more pleasant peaceful + warmer. Of cour
I am cooking, + I am getting better all the tim

Would write to Marty, but he never answ
my letters, + it getting so that you don't either.
This is about the fifth letter with no reply.
Write me + give me some good news to cle
me up!

I see the Board in 3 + ½ months. Is Mart
going to see them or write them like he
promised? I sure hope so! I guess I'll be
going back to Calif. to see the Board.

I've received a few letters from Harrington
since I last wrote you. I also received a
phone call from Wash. from Chris Nolde the
Atty. for the Pepper Committee, also received
a couple letters from Roy Bedell, but none
from 6 pk. Evens!

Coyle is hard casing me, + he aint even
a old war horse no more he is a plug, a

EXHIBIT
350

Having some difficulty with the Book. Looks like I'll have to get another writer. Do you know anyone who'll want to ghost write it for 5%. Double Day & Ny. is screaming for it & 2 movie companies want it. Estimated at over a $1,000,000.00 & better than the Godfath

Come on Grey, please write me a letter & tell me a little of whats happening! I sure am getting jittery & more tense the closer I get to seeing the Board.

Give my best to Dianne, Marty & the rest of the office.

Oh yes, there is been about 10 murders in Walpole lately.

Hope to hear from you soon. Until a better day.

Sincerely

Joe B.

Mr. Grey Evans
50 Knolls Lane
Santa Rosa California
95404

Joseph Bentley

EFBrded

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. Biasci | 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 |

EXHIBIT
551

BSF-00768

| | | |
|---|---|---|
| 11/10/64 | Mrs. Margaret Sylvester | Boston |
| 11/13/64 | William J. Treannie | South End |
| 11/24/64 | Edward F. 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 Parguani | 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 E. 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 G. 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 Camarata | Charlton |
| 12/28/67 | 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

WISH TO CORRESPOND X
DO NOT WISH TO CORRESPOND

CORRESPONDENCE & VISITING
QUESTIONNAIRE (CONFIDENTIAL)

MY NAME:
MR. Edward F. Harrington DATE OF BIRTH 9/16/33 AGE 39
MRS. DATE OF BIRTH AGE
MISS DATE OF BIRTH AGE

MY ADDRESS: 1703 John W. McCormack Building, Boston, Massachusetts 02109

GIVE THE NAMES AND ADDRESSES OF TWO PERSONS (NOT RELATIVES OR EMPLOYERS) WHO HA
KNOWLEDGE OF YOUR CHARACTER:
1) John Kehoe, 1010 Commonwealth Avenue, Boston, Massachusetts 02215

2) Garrett Byrne, District Attorney of Suffolk County, Pemberton Square, Boston, Mass.

RELATIONSHIP TO INMATE: (MOTHER, FATHER, WIFE, FRIEND, ETC.) Federal Govt Attorney
PLEASE CIRCLE ONE: MARRIED - SINGLE - SEPARATED - DIVORCED - WIDOWED - ETC.
HOW LONG HAVE YOU KNOWN THE INMATE? Six Years
I WRITE OR VISIT ANOTHER INMATE: YES NO X NAME

HAVE YOU EVER BEEN ARRESTED OR CONVICTED: YES - MR. MRS. MISS
NO X MR. MRS. MISS
IF THE ANSWER IS YES, GIVE FULL DETAILS OF THE
OFFENSE APPROXIMATE DATE, DISPOSITION: JAIL, FINE, ET
Not Applicable

(Use additional paper if necessary)

I AM NOW ON PROBATION OR PAROLE: YES - MR. MRS. MISS
NO X MR. MRS. MISS
IF YOUR ANSWER IS YES, FROM WHERE ARE YOU ON PROBATION OR PAROLE
Not Applicable

MY OCCUPATION OR BUSINESS Federal Government Attorney

MY EMPLOYER OR NAME OF BUSINESS Criminal Division, United States Dept. of Justice

ADDRESS OF EMPLOYER OR BUSINESS Washington, D. C. 20530

AD CAREFULLY: IF YOU ARE A MARRIED PERSON BOTH SIGNATURES ARE REQUIRED. PLEASE
GN YOUR NAME IN THE DESIGNATED SPACE PROVIDED. PERSONS UNDER 18 YEARS OF AGE
ST HAVE SIGNATURE OF THEIR PARENT OR GUARDIAN; ALSO YOU CANNOT VISIT UNLESS AC-
MPANIED BY AN APPROVED ADULT.

TE Feb 1, 1973 MR. Edward F. Harrington

TE Feb 1, 1973 MRS. Ellen M. Harrington

TE MISS

TE GUARDIAN

NOT WRITE BELOW THIS LINE.

) DISAPPROVED ( ) CORRESPONDENCE ONLY (✓) CORRESPONDENCE & VISITING

TE Feb. 7, 73 BY: John R. [illegible]

EXHIBIT
552

**Memorandum**

To : SAC, JAMES F. AHEARN Date 7/8/87

From : INSPECTOR BOB C. REUTTER

Subject : SA JOHN CONNOLLY, JR.
BOSTON DIVISION
6/29/87-7/17/87

SA JOHN CONNOLLY, JR. has been assigned to the C-3 Squad, Boston Division, since 2/20/73. As of 1/23/87 he was designated Relief Supervisor and serves as a Police Instructor for the Division. His specific assigned duties on the C-3 Squad are primarily informant development although he has had and also currently has other limited investigative responsibilities assigned. During the last rating period, SA CONNOLLY was rated superior in his critical element on informant development and operation. No one on the C-3 Squad received any rating higher than superior although two other C-3 Agents received the same rating as SA CONNOLLY.

Based on a review of C-3's informant coverage it was determined that SA CONNOLLY currently operates six (6) pending Organized Crime informants. [redacted] SA CONNOLLY's six (6) informants represent [redacted] of the entire squad's source coverage. Information furnished by these sources since the last inspection has been rated overall as excellent. Two examples of the type of investigative support furnished by these sources are best illustrated in two of the major investigations on the C-3 Squad. In the "BOSTAR" case [redacted] of the [redacted] informants utilized to obtain necessary Title III coverage were SA CONNOLLY's. In the "JUNGLE MIST" investigation, in which Title III coverage recently terminated, five (5) LCN members, to include three (3) Capos, were intercepted making an extortionate demand for payment of $500,000 from two

1-SAC
1-Inspector REUTTER
1-Workpapers

REMOVED FROM FIELD PERSONNEL FILE 67 - NOT RECORDED

AUG 11 1987

EXHIBIT 553

bookmakers. This case was predicated upon information from SA CONNOLLY's source and of the [redacted] informants utilized to obtain Title III coverage all [redacted] were assigned to SA CONNOLLY. B

The aforementioned accomplishments are considered significant contributions not only to the C-3 Squad but to the Division's overall OC program. All of the above was brought to the attention of SSA JAMES A. RING, C-3, who advised SA CONNOLLY was rated superior in that he has not opened any new informants since the last inspection. Although that may be the case, I still consider the contributions made by SA CONNOLLY as crucial to the overall OC program and substantial in terms of results achieved.

It is recognized that other Agents have made substantial contributions in the "BOSTAR" and "JUNGLE MIST" investigations and other significant investigations on this squad. If recommendations for incentive awards for these Agents are submitted, the SAC should consider including SA CONNOLLY for his efforts in the operations of his informants.

12/23/99 BOSTONH 007
12/23/99 Boston Herald 007/1999 WL 3417014
(Publication page references are not available for this document.)



Boston Herald
Copyright 1999

Thursday, December 23, 1999

NEWS

# Connolly's links to crime figures go back decades

Jose Martinez

It all started with an ice cream.

The story goes something like this: Little John Connolly and a group of his buddies walk into a corner drug store in Southie and one of the boys spot the neighborhood tough - Jimmy Bulger.

The older boy offers the kids a round of ice creams but 7-year-old Connolly declines. He can't take anything from strangers. Bulger lifts the boy onto the counter, says he's no stranger since both their parents are from Ireland and asks Connolly again what flavor he would like.

Connolly picked vanilla.

Yesterday, a half century after the meeting at that soda fountain, a 59-year-old Connolly stood alone in U.S. District Court to plead innocent to five counts in an indictment naming him along with Bulger and Stephen Flemmi - two gangsters the former FBI agent cultivated as informants in the '70s.

Connolly was freed on $200,000 unsecured bond and returned to his Lynnfield home and his wife and three boys - a 10-year-old and 8-year-old twins. He left the FBI after 22 years of decorated service in 1990 and has since worked for Boston Edison as a lobbyist.

Born Aug. 1, 1940, Connolly grew up around South Boston's Old Harbor tenaments, where he was weaned on stories of the Bulger brothers, who both would play major roles in his life.

Billy Bulger, who was six years older than Connolly, landed him a job as an L Street lifeguard and urged him on to Boston College, where he earned his bachelor's degree. Connolly eventually received his master's from the John F. Kennedy School of Government.

He joined the Federal Bureau of Investigations in November 1968 and initially worked in New York City.

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Connolly won a transfer to Boston in February 1973, months after arresting in Manhattan fugitive Boston mobster Francis Salemme, who was on the run from an attempted murder indictment.

Two years later, Connolly had a fateful meeting with the Bulger other agents called Whitey, Southie's underworld boss.

They met at Wollaston Beach in October 1973. According to Boston Magazine, Connolly told Whitey Bulger his organization was in danger from his Italian competition across town, that they planned to set him up through contacts in the police department.

"Look it, they're using their friends in law enforcement against you," Connolly told Bulger. "So why don't you do the same to them - use your friends in law enforcement?"

Two weeks later, again at the Quincy beach, Connolly got his answer. "All right," Bulger told him, "deal me in. If they want to play checkers, we'll play chess."

But Bulger's cooperation carried a price - he wanted to be considered a consultant, not an informant, and his brother the politician could never know.

Connolly agreed and so began an association that led to hundreds of meetings over the next 15 years, during which the Boston office of the FBI put dozens of members of La Cosa Nostra behind bars - including North End boss Gennaro Angiulo and his three brothers.

All the while, Connolly kept his promise to Whitey to keep then-Senate President William Bulger in the dark. Connolly considered the politician his friend and regularly introduced him to other agents and his bosses.

"I have known Billy Bulger since I was 8 or 9 years old," Connolly told the Herald in May 1998.

But Connolly never told Billy Bulger, now president of the University of Massachusetts, that his gangster brother also was an FBI informant.

"We had an agreement early on - at James Bulger's insistence - that his brother never know that he had a business relationship with the FBI," Connolly said. "Billy Bulger had his world and Whitey Bulger had his and the two never crossed. And Whitey wanted it that

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way."

----- INDEX REFERENCES ----

NAMED PERSON: BULGER, WHITEY

REGION: New York; North America; United States; Eastern U.S.; New York City Metropolitan Area; Massachusetts (NY NME US USE NYC MA)

Word Count: 629

12/23/99 BOSTONH 007

END OF DOCUMENT

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KFH:ded

February 27, 1973

Mr. Joseph Bentley
MPS No. B38509
Montana State Prison
Deer Lodge, Montana 59722

Dear Joe:

I just wanted to let you know that I will be leaving my present job at the end of March. Please give me the name of the individual or individuals on the California Parole Board to whom I should write regarding your parole prior to my resignation being effective. You are free to advise the Parole Board that, notwithstanding the fact that I will be in private practice in May, I will be available to testify on your behalf if they deem it appropriate.

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.

Sincerely,

TED HARRINGTON

BSF-00755



File Barn

1149 Diamond Street
San Francisco, Calif. 94114

March 15, 1973

Ted Harrington, Esq.
Organized Crime & Racketeering
Section
1703 John W. McCormack
Federal Building
Boston, Massachusetts 02109

RECEIVED
MAR 19 1973

Dear Ted:

Have been trying to get a letter off to you for a couple of days, at Joe's request, but have been to busy at work.

Good luck on your plans for the future. Hope it works out very well for you. Joe wants to know if you are going with the law firm of Louison & Louison (sp) of Brockton?

I do not know who to tell you to write to on the Parole Board regarding Joe's appearance. Nobody seems to know anything except a man by the name of Rubin E. Coyle of the Department of Corrections in Sacramento. He wrote Joe a recent letter, which Joe sent me, stating in essence that Joe's attorne will not be allowed to appear before the Board and, I suppose, that includes any potential witnesses. However, this morning I had a long talk with Greg Evans of the Public Defender's Offic in Santa Rosa and he told me that he was going to call Mr. Coyle and find out if witnesses could appear. I don't know if you are in contact with Greg at all, but if you are, I'm sure he can answer a lot of questions on this. If you want to call him the number is 707-527-2791.

On March 8th, Joe 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. Mr. Terry is supposed to have someone get in contact with Marteen Miller and, I suppose, you. That's all I know, but Joe asked I tell you.

Also, now that you will be in private practice, will you handle any necessary contracts for Joe's book, if we get it going? He would like you to very much, if you can.

An absolute madhouse here, so must go.

Best,

Mary

BSF-00797

EXHIBIT
555

Idi Hey,

Coyle, is back from his accident & he wrote me a letter. He said that Marty would not be able to appear before the Board in my behalf, it sure shattered my spirits for I sure was counting on Marty, appearance, eloquence & style before the Board! Ted Harrington wants to appear for me also, & sure am relished over it. A detailed & full report will be accepted & the Board will read that & of course will be unanimously received & helpful. All the letters I can get on my behalf have a good affect on my case. I hope you'll write a letter for me too. The F.B.I. was here to see me on the stocks & bonds, I prefaced them to you & Marty, also the court transcript. Sure is quite a story developed behind those stocks. Every indication is that are almost ready to go to court on them. If the Board turns me down of course I want to open my case up & get to trial as soon as possible. Have a few additional tidbits to throw in that case that wasn't entered during the original trial. There is also a Washington D.C. report in the files concerning an investigation made on Hathaway.




Did you read the Book [illegible] Teresa? From

what I understand he said alot of things about me. Yet he can't back one up & the are all lies.

Ted W. is leaving the Dept at the end of this month. That's another set back for me when I see the Board.

Coyle said he won't send me back to Calif. until I am ready to see the Parol Board in May.

Just now received a letter from [redacted] & she told me she spoke to you. She didn't say what about but was happy over her talk with you.

You know Greg, I am depressed with Coyle. Before when he use to make crude remarks & threatened me, I use to laugh because I figure he liked me. But I don't think he likes me & his remarks are not funny no more.

Give my best to Dianne & Marty. I will see you in two months in Calif. !!!

Sincerely
Joe B.

Joseph Bantley

EFH:ded

March 20, 1973

Board of Parole
State of California
Sacramento, California

Re: Joseph Bentley

Dear Sir:

This is to bring to the attention of the Board of Parole of the State of California the cooperation which Joseph Bentley, also known as Joseph Baron, has extended to the United States Government. Bentley was the chief federal government witness in the prosecution which resulted in the conviction of Raymond L. Patriarca, "boss" of the New England Cosa Nostra Family, his "underboss" Henry Tameleo, and underworld enforcer Ronald Cassesso, for the offense of traveling in interstate commerce to commit a crime of violence to further an illegal gambling enterprise. He was also the chief State of Massachusetts witness in the Boston gangland murder trial of Edward Deegan, a loanshark, which resulted in the conviction for first-degree murder of six major underworld figures including Peter Limone, who was the "underboss" to Gennaro Angiulo, Cosa Nostra boss in Boston, Massachusetts, syndicate enforcers Louis Grieco, Joseph Silvati and Roy French, as well as Henry Tameleo and Ronald Cassesso. 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.

EXHIBIT
557

BSF-00793

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.

Very truly yours,

EDWARD F. HARRINGTON
Attorney in Charge

EXHIBIT
558

[illegible] ... [illegible] ...

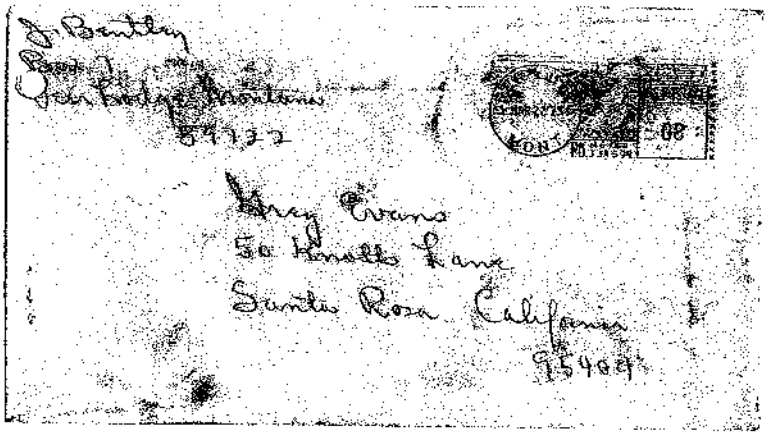
Tai Greg

Sure can't get [illegible] ...ty, you & Fed H. no
being ~~able~~ able to appear before the Board for m
I am not able to express the points of my case
like Marty can, I am not able to bring out what
your investigation revealed & then what I say abo
the case isn't as affective or believable as wh
you, Marty, & Fed H. would say. Tell me this
when a foreigner, a Mexican, a recidivist, a
ding-bat or the likes of an uneducated person
not able to express himself well goes before
the Board, is that fair? What is wrong in
having educated people, reputable ~~pepl~~ people
etc, etc appear before the Board in a person
behalf. Shouldn't the Board want to render
a clear & fair decision! Colonel Stone, promised
to write a letter for me to the Board, do you
think you can ask Fed H. to speak to the
Colonel about it. Roy Bedell of the Pepper
Committee said he was going to write a
letter for me to the Board & also submit
as investigative finding, & report concerning
Geraway & especially long talks he personally
had with Geraway. I am more nervous
than I was going to ~~a~~ trial, I never should
have gave up fighting that case. If I have

to fight it again. I'll never give in again! I sure want to make the Parole. I sure hope I did the right thing waiting to see the Board before I opened up my case. All these months I hope were not in vain. I sure am a nervous wreck waiting for May. Coyle said "I am my own worst enemy!" That sure made me go on a real trip. What to hell does he know!? Well I've never had a bad report lodge against me in all this time. I've tried to do my best so as to help the people who want to help me. I got alot of shit along the way they'll never know. I sure am counting on you Tony because I place more trust & feeling in you than all the rest!

My best to Dianna

Sincerely
Joe B
Joseph Bentley



EFHrded

March 28, 1973

Mr. Joseph Bentley
MPS No. E38509
Montana State Prison
Deer Lodge, Montana 59722

Dear Joe:

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. I also advised the Board that I would be willing to testify, if appropriate, as to the contents of my letter written in your behalf.

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.

I will not have a permanent office until the first of May, so you can forward your letters to me in care of the Strike Force until I am settled in a permanent office.

Sincerely,

TED HARRINGTON



STATE OF CALIFORNIA — RONALD REAGAN, Governor

DEPARTMENT OF CORRECTIONS
CALIFORNIA STATE PRISON AT FOLSOM
REPRESA, CALIFORNIA 95671

April 16, 1973

RECEIVED
APR 21 1973
MONTANA STATE PRISON

Roger W. Crist, Warden
Montana State Prison
Box 7
Deer Lodge, Montana

4-16-73

TLEY, Joseph
38509

Dear Sir;

The above-named is presently incarcerated in your institution pursuant to Western Interstate Compact. 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.

To date we have not received a report for presentation and any consideration that can be given my request would be appreciated.

Very truly yours,

WALTER E. CRAVEN, Warden

Alice A. Darr
Records Officer I

AAD/jk

STATE OF CALIFORNIA — RONALD REAGAN, Governor

DEPARTMENT OF CORRECTIONS
CALIFORNIA STATE PRISON AT FOLSOM
REPRESA, CALIFORNIA 95671

April 16, 1973

RECEIVED
APR 18 1973
MONTANA STATE PRISON

Roger W. Crist, Warden
Montana State Prison
Box 7
Deer Lodge, Montana 59722

Re: BENTLEY, Joseph
B-38509

Dear Sir;

The above-named is presently incarcerated in your institution pursuant to Western Interstate Compact. 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.

To date we have not received a report for presentation and any consideration that can be given my request would be appreciated.

Very truly yours,

WALTER E. CRAVEN, Warden

Alice A. Darr
Records Officer I

AAD/jk

EXHIBIT
560

**GLEN DARTY**
STATE ATTORNEY

TENTH JUDICIAL CIRCUIT
BARTOW, FLORIDA · PH. 533-0731
(Polk, Highlands & Hardee Counties)

Polk County
Hall of Justice
Bartow, Florida

Highlands Cour
Courthouse
Sebring, Florid

Hardee Count
Courthouse
Wauchula, Flor

April 19, 1973

Mr. William R. Geraway
Box 43 MCI RB
Norfolk, Massachusetts 02056

Dear Mr. Geraway,

In answer to your inquiry concerning your appearance as a witness in the case of State vs John Sweet, I will state the following:

1. You did appear as a voluntary witness for the State of Florida during the murder trial in 1967. You advised me by letter that you had knowledge that might be material to the trial, and I made arrangements for you to be brought to Florida and you did testify.

2. You never asked me or my office for any type reward or renumeration and if you ever received anything from anyone, I have never heard about it.

3. The murder trial involved the killing of a prominent young citrus business man and grove owner. Our investigation disclosed that the killing of Von Maxcy had been arranged or procured through the Boston area.

4. The testimony you gave appeared truthful and in my opinion there could have been no way you could have obtained the telephone number that you testified about unless you had obtained it in the manner you testified.

EXHIBIT
561

BSF-00596

I trust that this letter will show your voluntary cooperation with the state of Florida in this matter.

Respectfully,

Glen Darty,
State Attorney
Tenth Judicial Circuit

GD/ab

STATE OF CALIFORNIA — RONALD REAGAN, Governor

DEPARTMENT OF CORRECTIONS
CALIFORNIA STATE PRISON AT FOLSOM
REPRESA, CALIFORNIA 95671

May 9, 1973

Mrs Mendon
RWC

Roger W. Crist, Warden
Montana State Prison
Deer Lodge, Montana 59722

Subject: Joseph Bentley, B-38509

Dear Sir:

The above named inmate is presently incarcerated at you institution pursuant to the Western Interstate Compact. His case was reviewed in absentia 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.

Thank you for your cooperation.

Sincerely,

WALTER E. CRAVEN, Warden

Alice A Darr

Alice A. Darr
Records Officer I

AAD/dly

EXHIBIT
562

RECEIVED
MAY 14 1973
MONTANA STATE

Inspected By
W.C.

Box 7
Deer Lodge, Montana 59

EXHIBIT
563

Date May 14th 1973 Monday

Dear Greg,

I am truly sorry I haven't written you in the lengthly period of time that as gone by since I last written, but the closer I get to the Board the more nervous I get & my head just isn't in it to write! Aqu'd like to say I am sorry! What's your excuse Mr Six Pack? Glad & pleased you heard from Bedell even t the expense of your beauty sleep! I gather his operation will include his findings of Mr Geraway! have forwarded recommendation for parole by the ffical here at the Montana State Prison to [redacted] hich in turn I told her to send to you, these are he carbon copies, the original will be in my folder. he carbon copies in your hands & Marty's are safe uards against the original in case they perchance should get lost. I will have one more recommendat arbon Copy sent to you. Another one also is in the rocess of being written, and again there is the possibilit f another. I am positive of 5 altogether, I will secure total of 4 copies, the 5th I do not know but the riginal 5th will be in my folder also & like I did the 6th is maybe. The letters you will read I want you to know I am very proud & touched by lem & these people who wrote them are real people dont normally do this but my manner actions way behavior here as been such that they have been kind enough & thoughtful enough to make their though openions known to the Parole Board. Things appear be going well thanks to you Greg & I am ever ndebted to you. I hope time can prove how

much I feel indebted to you, I owe you alot for your kindness to me! Time proves all! I'd sure hate to get turned down + start once again the long tedious + laboring work of a new trial!! Imagine sitting in the Santa Rosa Jail listening to Loudmouth Bridges voice again! Bleed! Well I anticipate leaving here very shortly, probably even before you get this letter! I am on a bad trip of worrys, nerves + emotions in regards to what the out come will be ???

Give Marty my best & tell him I sure know he will be excellent plus before the Board as he always is! My best to Deanne & hope that the near future will find us sitting out dinner + my pleasure of meeting Deanne for the first time!

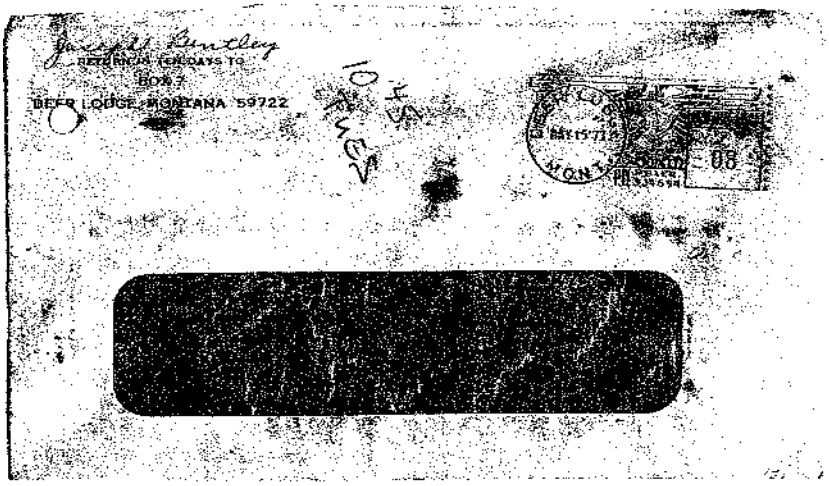
Until a better day! Hope it is soon !!! ???!!!

Always
Joe B.

Please PRINT Address Below

Signature Joseph Bentley
(Please Sign Full Name)

To Greg Evans
Address 50 Knolls
City Santa Rosa State California Zip 95401


RETURN IN TEN DAYS TO
BOX 7
DEER LODGE, MONTANA 59722
10.45
TUES
08

+ May 24 1975 the

Hi Greg,

I am in a state of shock!!! How come Montana decides my fate + I never committed no crime in Montana??? But here in Montana I am allowed my Atty + all the witnesses I need + they can speak to the Board. Fed Harrington said he definitely would come if I wanted him + I do want him, I sure need you + Marty to bring out special aspects of the case.

Greg, tell me what to do or expect in regards to you, Marty + Fed H coming here. If I could call you at the office I would but who the hell can reach you. I am all —— up now!!! Tell me what to do! I am a ward of Calif, + if Calif already made a decision that wasn't favorable + let Montana give their decision, then its illegal because I have a right to see the Calif board!!

Greg, write + tell me what to do or to expect in the way of help

Heraways statement, the news

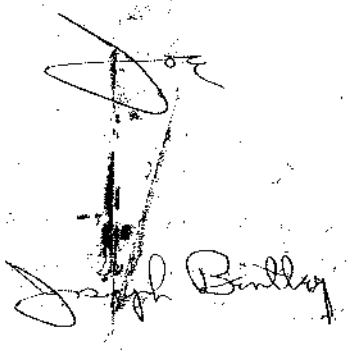
EXHIBIT
564

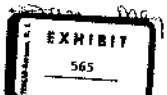
clipping of the Jurors words the next day after trial To Late For Baron Hung Jury.

Help me Greg I am totally lost!!

Joe

Joseph Bentley






May 21

Hi - Greg,

First of all here in Montana witnesses can appear before the Parole Board much more readily than they can in Calif; I know it will be a financial problem for you + Marty to get here. The Board meets June 26th or 27th next month. I guess all you + Marty can do is file a complete report as possible & the Board here. But it wouldn't cost Ted Harrington + Ray Bedell nothing because they travel on Government expense. Ted did write & tell me he would appear before the Board in Calif if it was necessary, & here in Montana I feel it would be necessary. Ray Bedell had say he would cooperate fully were ever needed, he made a full + complete investigation Hathaway, after the trial + it corresponds with his "Hathaway" letter, if you can reach him + get him to come here it sure would be a help!! Those five letters written by officials here were sent to the Calif Adult authorities the Board of Pardons + Parole, well those letters be here? Man, Greg, I sure am on a bum trip + really bum kicked

over all this. My mind is sure mentall exhausted!

Still say if Coyles people voted negative already, it ain't legal!!

As I come up with any information I'll forward it to you.

I have an Author for my book between us it is Hank Messick very well reknown! All the news clippings you have of mine in my belongings send them to [redacted] so she can send them to him.

Later on, if I don't have a heart attack or take a fit by then!

Sincerely

Joe

I emailed this out

Joseph Bentley

P.S.S. Sun. 27th

Next day. Just spoke to Capt. Peters the man in charge of Potter Hall where I am. I get along real good with him. He walked by me & I said Mr Capt. He beckoned me away from who I was with & said I was just at Social Service. That a place where they compute your good time restatize papers etc. He said you will be leaving in 3 wks ??? I said "where back to Calif.?" He said "No, I don't know where but I'll find out more mon. or Tues."

Hey, I don't want to let myself think that I was paroled & sent back to my warrant bird east!! And if they aren't going to send me back to Calif! I refuse to be shuffled off to another State !!! I'll cause such a shit storm here with them trying to drag me out, they'll have to sap me over the head! Man, Hey, I am so messed up in my head with all this mystery & changes, I have gone through some bad changes myself! I don't want nobody here to know about this I won't even put it in a letter for them to read here. So please tell [redacted] for me & tell her not to mention it in a letter. I will keep you informed as I learn more the same way I am now sneaking it out! Here I am again! Just spoke

to the Capt. again., he said it will work, + he
can't get it all out, but it seems I am going
back East to a detainee, but he is not sure
+ will try to find out more Tues, + in the
mean time pray if I don't have a relapse
or just drop dead I'll let you know. My
past as left me somewhat shell shocked!
+ now I find in my old age I can't take
so much pressure! Later on, Sis Pack

JUN 4 1973

1703 John W. McCormack Building
Boston, Massachusetts 02109
June 1, 1973

Mr. Robert Miles
Director of the Parole Board
Montana State Prison
Deer Lodge, Montana

Dear Mr. Miles:

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, "boss" of the New England Cosa Nostra Family, his "underboss" Henry Tameleo, and underworld enforcer Ronald Cassesso, for the offense of traveling in interstate commerce to commit a crime of violence to further an illegal gambling enterprise. He was also the chief State of Massachusetts witness in the Boston gangland murder trial of Edward Deegan, a loanshark, which resulted in the conviction for first-degree murder of six major underworld figures including Peter Limone, who was the "underboss" to Gennaro Angiulo, Cosa Nostra boss in Boston, Massachusetts, syndicate enforcers Louis Grieco, Joseph Silvati and Roy French, as well as Henry Tameleo and Ronald Cassesso. 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.

EXHIBIT
566

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.

Very truly yours,

Edward F. Harrington

EDWARD F. HARRINGTON

GEM:mpm

James J. Featherstone, Deputy Chief,
Organized Crime and Racketeering Section
United States Department of Justice
Gerald E. McDowell, Attorney in Charge,
Boston Field Office-Organized Crime and
Racketeering Section

June 13, 1973

Parole Hearing For Joe Barboza

Enclosed is a self-explanatory memo relative to the above hearing.

As we have discussed, it 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.

If you and Bill think that such a request would go through if it included normal compensation for a special attorney, please change the text of my draft accordingly.

Enclosure

EXHIBIT
568

BSF-00733

Since it is likely that the Parole Board will deny Barboza's parole, it is important that it be clear to Barboza and other witnesses like him that his continued incarceration is his own fault, rather than due to any lack of diligence by the Department in bringing the facts of his past cooperation to the attention of the Parole Board. Because the LCN has continually pressured Barboza to corruptly change his testimony in the Deegan murder case in Massachusetts, in order to free major LCN figures, Henry Tameleo and Peter Limone, it is in the best interests of the Department not to give Barboza the impression that we have abandone him. While this impression would be false, a prisoner like Barboza is in the frame of mind to seize on an incident like our failure to send a witness to his hearing in order to justify his flipping to the other side. While the government has evidence which would eventually blunt the LCN attempt to get Barboza to perjure himself, on behalf of Tameleo and Limone, this would involve us in a series of long, expensive court hearings which would do no-one any good. Thus sending a witness to Montana is an ounce of prevention well worth the pound of cure.

I believe that Ted Harrington is the only potential witness who has maintained complete familiarity with Barboza's situation over the years and thus is best equipped to represent us in a careful and responsible manner. Ted has agreed to do this, even though the trip would interfere with his private practice, if the Department pays his transportation and per diem expenses for the trip. Jim Muskett says that the Department cannot reimburse Ted for his expenses now that he is in private practice. Therefore, I recommend that you ask the Deputy Attorney General to appoint Ted a special attorney solely for the purpose of representing the Department in this matter. Ted would not receive any compensation from this appointment other than reimbursement of his travel expenses and per diem.

Henry E. Petersen
Assistant Attorney General
Criminal Division

June 13, 1973

William G. Lynch, Chief,
Organized Crime and Racketeering Section
United States Department of Justice

RECOMMENDATION THAT TED HARRINGTON BE APPOINTED A SPECIAL ATTORNEY (WITHOUT COMPENSATION) TO REPRESENT THE DEPARTMENT AT PAROLE HEARING

Joe "Baron" Barboza, a former government witness, is presently incarcerated in Montana State Penitentiary. He was convicted in California upon his plea of guilty to a second degree murder charge and sentenced to from five years to life. The California authorities transferred him to Montana State Prison, Deer Lodge Montana, to serve out his sentence, as California could not guarantee his safety in their own prison system.

Barboza is due to have a parole hearing in the near future (the exact date has not been determined). This hearing will be conducted by Montana authorities, whose practice is to hear testimony from witnesses. Although Ted Harrington has provided written information to the Parole Board, Barboza has requested that Harrington be a witness at the hearing.

It is not likely that Barboza will be paroled by the Montana authorities, based upon his past record. However, it is my judgment that a representative of the Department 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, and to answer any questions the Parole Board may have. Of course, we would take no position on the desirability of such a parole.



Hi Frey,

Well the Parole [redacted] met today & of course I did not see them. I did have a chance to ask Bobby Miles if my records showed up yet & he said "No, not a trace!" Calif. is beautiful, isn't it! Now I am starting to wonder if my records will be here for July or not? I would imagine with the promptness I have been subject to by Calif. that any kind of recommendation the Parole Board here in Montana sends to Calif; Calif. will send there decision as to the Montana recommendation, sixty days later!

Received a letter from Roy Bedell last night & he said he was in the process of writing a letter on my behalf to Calif. I wrote him & told him to send it here & that I was under the impression he was appearing here with Fred Harrington, on my behalf.

I have signed contracts with Hank Messia as you now know upon receipt of a copy of the letter he sent to the Board. Would you kindly send me a photo stat of that

letter. Also Gary, could you speak to Bony Salude of the Santa Rosa paper & ask him to give you all the clippings & pictures ever written about me. Tell him I'll make sure he gets a copy of the Book for his time. Should you send that "if you get them?" along with my clippings you are holding in my belonging to [redacted].

What bugs me is that I was propelled in my decision to go before the Pepper Committee as a favor to Colone Stone who promised emphatically to write a letter to the Board for me. I've written him more than several letters & he never replied to one of them!

Will Marty come here in your place while you are on vacation next month?

Hey Gary, is ~~Darly~~ Daryl Hill & Billy Sult out yet?

So Dee got another beaten luck. She must be punching by now.

Interesting thought is, Dee & Paulette must have made some comments to at least one of their many boyfriends as to ho

they had on the stand against me, maybe one of your future clients in the Santa Rosa Jail during an interview can tell you about it?!

Well Mr. Six Pack who doesn't drink no more, I hope you & Deanna enjoy a pleasant & happy vacation!

I hope to hear from you soon & please send [redacted] my clippings & hopefully what Bonny or you can accumulate from the Santa Rosa Press Democrat.

My best to [redacted] & Monty. Later on Stray!

Sincerely
Joe B
Joseph Bantley



STATE OF MONTANA
BOARD OF PARDONS

PHONE-846-1404 DEER LODGE 59722

DATE: 6-22-73

TO: BENTLEY, Joseph, Calif. B-38509

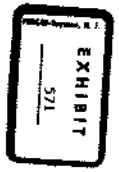
FROM: A. J. Mehrens, I.P.O.

RE: Board Hearing

I have gone through your file and can't find anything from Joseph Spangler or anyone else connected with the California Adult Authority giving this state permission to bring you up before the Montana Board of Pardons for parole consideration. Even if they notify us that you are eligible to come up before the Montana Board, Montana's Board will have to okay it, also.

AJM/tw

cc: Records Clerk ✓
Social Service
File



STATE OF MONTANA

THOMAS L. JUDGE
GOVERNOR

BOBBY C. MILES, DIRECTOR
INTERSTATE COMPACT ADMINISTRATOR
DEER LODGE

BOARD OF PARDONS
PHONE 846-1404 :: 1119 MAIN STREET
DEER LODGE, MONTANA 59722

June 29, 1973

Mr. Joseph A. Spangler
Administrative Officer
California Adult Authority
State Office Building #8
714 P Street
Sacramento, California 95814

Re: BENTLEY, Joseph, aka Barboza, Joseph; Baron, Joseph, Cal. B 38509

Dear Mr. Spangler:

Enclosed is a copy of a letter from Joseph Bentley that is self-explanatory. He is an exchange prisoner from California. We have been besieged by telephone calls and letters (copies enclosed) requesting the Montana Parole Board to hold a parole hearing for Mr. Bentley.

Our Board's next meeting will be on July 31st and August 1st and will consider all the inmates who are eligible for those two months. We are cognizant of the fact that Mr. Bentley is under your jurisdiction and that we cannot and will not hear his case unless your agency initiates the request under the Western Interstate Corrections Compact. Even then, I do not know if our Parole Board would grant the request and hear the case.

Therefore, without being presumptuous, would you please inform us whether or not you wish the Board of Pardons to hear his case. If you do, will you please send us his social and criminal history and any other information that you feel would be beneficial to our Parole Board?

Thank you for your attention.

Very truly yours,

BOARD OF PARDONS

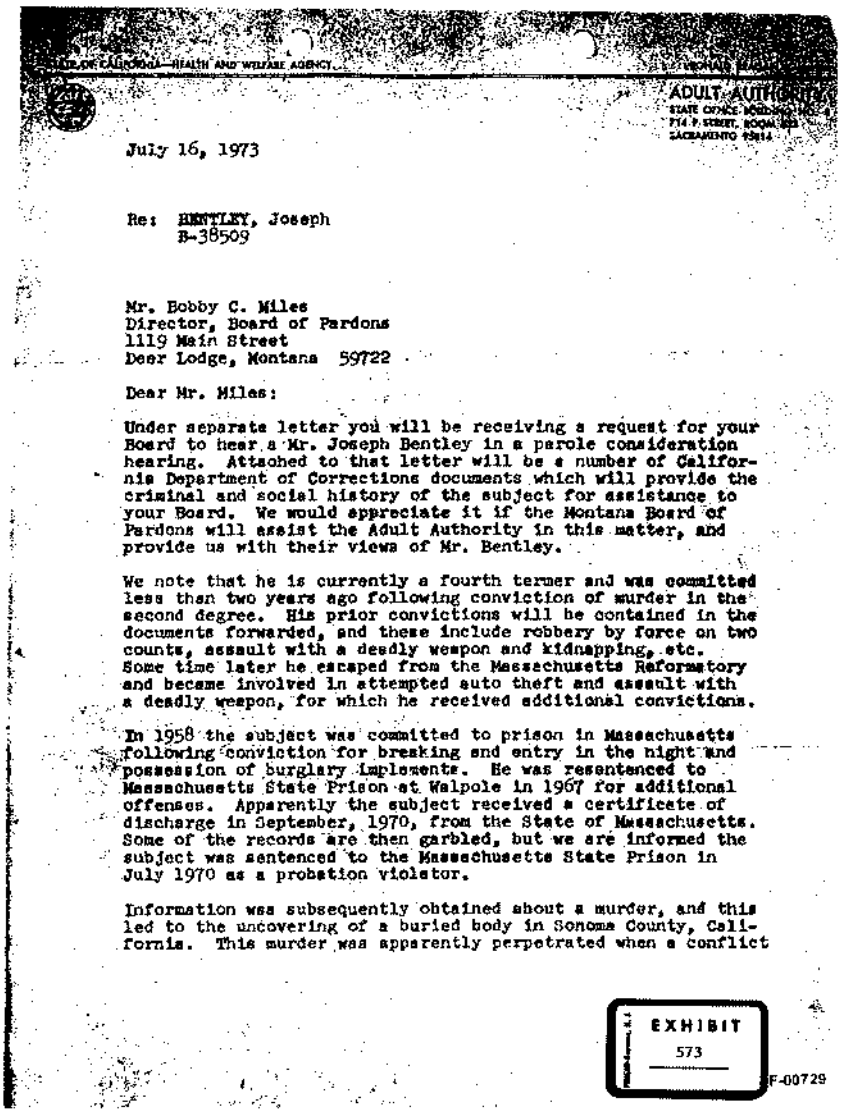
Bobby C. Miles, Director

BCM/tw
encls.
cc: Warden Roger Crist, Montana State Prison
Joseph Bentley

COPY

RECEIVED
JUL 1 - 1973
MONTANA STATE PRISON

EXHIBIT
572



...OF CALIFORNIA—HEALTH AND WELFARE AGENCY...

ADULT AUTHORITY
STATE OFFICE BUILDING NO. 1
714 P STREET, ROOM 503
SACRAMENTO 95814

July 16, 1973

Re: BENTLEY, Joseph
B-38509

Mr. Bobby C. Miles
Director, Board of Pardons
1119 Main Street
Deer Lodge, Montana 59722

Dear Mr. Miles:

Under separate letter you will be receiving a request for your Board to hear a Mr. Joseph Bentley in a parole consideration hearing. Attached to that letter will be a number of California Department of Corrections documents which will provide the criminal and social history of the subject for assistance to your Board. We would appreciate it if the Montana Board of Pardons will assist the Adult Authority in this matter, and provide us with their views of Mr. Bentley.

We note that he is currently a fourth termer and was committed less than two years ago following conviction of murder in the second degree. His prior convictions will be contained in the documents forwarded, and these include robbery by force on two counts, assault with a deadly weapon and kidnapping, etc. Some time later he escaped from the Massachusetts Reformatory and became involved in attempted auto theft and assault with a deadly weapon, for which he received additional convictions.

In 1958 the subject was committed to prison in Massachusetts following conviction for breaking and entry in the night and possession of burglary implements. He was resentenced to Massachusetts State Prison at Walpole in 1967 for additional offenses. Apparently the subject received a certificate of discharge in September, 1970, from the State of Massachusetts. Some of the records are then garbled, but we are informed the subject was sentenced to the Massachusetts State Prison in July 1970 as a probation violator.

Information was subsequently obtained about a murder, and this led to the uncovering of a buried body in Sonoma County, California. This murder was apparently perpetrated when a conflict

EXHIBIT
573

F-00729

Mr. Bobby C. Miles
July 16, 1973
Page 2

Re: BENTLEY, Joseph
B-35909

developed between the victim and Mr. Bentley over the disposition of some $250,000 worth of securities burglarized from a Petaluma home in 1970.

The information forwarded under separate cover will provide additional details for a hearing before your Board. We would appreciate a summary of that hearing and any views the Montana Board would care to forward to the Adult Authority.

We would appreciate your Board granting a hearing to Mr. Bentley when they meet on July 31st or August 1st, which will eliminate the necessity for Mr. Bentley's being transferred to California for a hearing before the Adult Authority. However, should your Board be unwilling or unable to conduct a hearing in the matter of Mr. Bentley, we would appreciate that information and it will be necessary for Mr. Bentley to be transported to California for a parole consideration hearing to which he is legally entitled under our statutes.

Sincerely,

RAYMOND C. BROWN
Chairman, Adult Authority

By

JOSEPH A. SPANGLER
Administrative Officer

JAS:lk

cc: Miss Margaret Delfel

BSF-00730

1149 Diamond Street
San Francisco, Calif. 94114

July 19, 1973

Dear Ted:

Greetings. Joe called me last night and informed me he will be seeing the Parole Board in Montana at their hearing on July 31-August 1. I don't know which date, as this hearing is a combined hearing for July and August. Joe wasn't sure either but at least we have some definite news.

Joe asked me to get hold of you, and to ask you to try and reach John Fitzgerald with the news. I called Marteen Miller only to find he is attending school in Chicago for a week. However, Greg returned from his European vacation early (says he had a horrible time) so he is there for you to call. I spoke to him this morning and he will be writing you.

I'm enclosing a copy of a letter I received yesterday, which is self-explanatory. I sent a copy to Greg at his request. Personally, I think this is a horrible letter. Maybe I am being overly-sensitive, but I think this much detail on priors is uncalled for. Of course, I am not that familiar with parole matters and have nothing to compare this letter to, but I do think Spangler got out of line here. The record speaks for itself, but it was my impression that parole hearings are based in part on the conduct while one is incarcerated. Seems as though California did as much as they could to impress upon Montana they don't want him free. However, see what you think.

That's about it. I know Greg will be in touch with you, and I hope you will be able to appear at the hearing. It would mean very much to Joe. In any event, thank you for all your help in the past, as far as letters and phone calls, etc., in Joe's behalf. I sincerely appreciate it.

Best,

Mary

P.S. Understand the book is progressing, and that you met with Hank. Remember, I still hold you responsible for all this! I think we created a monster...



NOTICE: THIS OPINION IS SUBJECT TO FORMAL REVISION BEFORE PUBLICATION IN THE RHODE ISLAND REPORTS. READERS ARE REQUESTED TO NOTIFY THE SECRETARY OF THE COURT, SUPREME COURT OF RHODE ISLAND, 250 BENEFIT STREET, PROVIDENCE, R. I. 02903, OF ANY TYPOGRAPHICAL OR OTHER FORMAL ERRORS, IN ORDER THAT CORRECTIONS MAY BE MADE BEFORE THE PRINT GOES TO PRESS.

JUL 20 1973

Supreme Court

State :
:
v. : No. 1566-Ex. &c.
:
Raymond L. S. Patriarca. :

O P I N I O N

ROBERTS, C. J. It appears that at about 2:30 on the afternoon of Saturday, April 20, 1968, Rudolph Marfeo and Anthony Melei were shot to death while shopping in a market on Pocasset Avenue in the city of Providence. Apparently, it was Marfeo's custom to shop for groceries in that market on Saturday afternoons, and while he and Melei were in the market two masked gunmen entered and shot them both.

Thereafter, on June 2, 1969, as a result of these homicides three indictments were returned by the grand jury. Indictment No. 69-769 charged the appellant here, Raymond L. S. Patriarca, with conspiring to murder Rudolph Marfeo. Others named in that indictment were Maurice R. Lerner, Robert E. Fairbrothers, John Rossi, and Rudolpho G. Sciarra. In Indictment No. 69-767 the appellant here and Sciarra were charged with being accessories to the murder of Marfeo, while Lerner, Fairbrothers, and Rossi were charged with the murder of Marfeo. In Indictment No. 69-768 the appellant here and Sciarra were charged with being accessories to the murder of Anthony Melei, while Lerner, Fairbrothers, and Rossi were charged with Melei's murder.





Nos. 69-767 and 69-768, and one with respect to the charge of conspiracy in Indictment No. 69-769. Certain of the particulars were denied by the trial justice, and defendant now contends that this denial constituted prejudicial error.

The defendant argues primarily that the statutory form used in indictments brought in this state under G. L. 1956 (1969 Reenactment) §12-12-7 does not meet the constitutional requirement of a defendant's right "to be informed of the nature and cause of the accusation" as is provided for in the sixth amendment to the Constitution of the United States and art. I, sec. 10, of the constitution of this state. From that premise he argues that the intent of the Legislature in enacting §12-12-9 providing for bills of particulars was to establish a method for curing such indictments when constitutionally inadequate and that, therefore, defendant was entitled to particulars as a matter of right.

In the first place, we cannot agree that the purpose of §12-12-9 was to provide a method for curing constitutionally defective indictments. It is settled in this state that a bill of particulars cannot cure a constitutionally defective indictment. State v. Brown, 97 R.I. 115, 121, 196 A.2d 133, 137 (1963); State v. Smith, 56 R.I. 168, 182, 184 A. 494, 500 (1936). That section, however, makes it possible for a defendant, when confronted with an indictment that is constitutionally adequate but alleges the offense in general terms, to seek clarification as to the nature

the defendants in some degree in the case, was highly incriminatory of defendant Lerner. He testified that it was Lerner who first approached him and asked him to plan the slayings. His testimony placed Lerner at the scene of the first attempt to murder Marfeo. He further testified that Lerner in conversations with him reflected his presence at the scene of the murders when he told of leaving the guns in the "get-away" vehicle after having "wiped [them] clean." While it is to be conceded that Kelley's testimony placed defendants Fairbrothers and Rossi in the car that left Triggs Memorial Park to rendezvous with Marfeo and Melei, it did not directly involve either Patriarca or Sciarra in the actual slayings at all.

There is no doubt that under the rule, taking the testimony of Kelley relating to the defendant Lerner as true, it was sufficient to support a verdict of guilty beyond a reasonable doubt on the murder charge in the case of this defendant, State v. Maloney, 109 R.I. 166, 170, 283 A.2d 34, 38 (1971). In view of the primary thrust of Kelley's testimony and its probative force, it is reasonable to infer that the jury found that evidence sufficient to hold the defendant Lerner guilty of murder but at the same time not persuasive that the murder charges brought against the other defendants had been established beyond a reasonable doubt. We find no error in the denial of the motion for a new trial, and this exception is overruled.

All of the defendant's exceptions are overruled, and the case is remitted to the Superior Court.

Mr. Justice Powers participated in the decision but retired prior to its announcement. Mr. Justice Paolino, Mr. Justice Joslin, and Mr. Justice Doris did not participate.

Elliot L. Richardson
The Attorney General

July 24, 1973

Henry E. Petersen
Assistant Attorney General
Criminal Division

Recommendation that Edward F. Harrington be Appointed a Special Attorney (Without Compensation) to Represent the Department at Parole Hearing

Joe "Baron" Barboza, a former government witness, is presently incarcerated in Montana State Penitentiary. He was convicted in California upon his plea of guilty to a second degree murder charge and sentenced to from five years to life. The California authorities transferred him to Montana State Prison, Deer Lodge, Montana, to serve out his sentence, as California could not guarantee his safety in their own prison system.

Barboza is due to have a parole hearing before the Montana Board of Pardons, Deer Lodge, Montana, on July 31, 1973, at 10:00 A.M. It is Montana's practice to hear testimony from witnesses at its parole hearings. The Department has had an understanding with Barboza that at such time as he became 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. Harrington was the Departmental attorney who since 1967 has worked closely with Barboza all during the time that Barboza was a government witness. He, along with FBI agents Dennis M. Condon and H. Paul Rico, was responsible for developing Barboza as a successful government witness. However, Harrington resigned his position as Attorney in Charge of the Boston Strike Force effective March 31, 1973 and entered private practice.

It is not likely that Barboza will be paroled by the Montana authorities, based upon his past record. However, it is my judgment that a representative of the Department 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, and to answer any questions the Parole Board may have. Of course, we would take no position on the desirability of such a parole.

Since it is likely that the Parole Board will deny Barboza's parole, it is important that it be clear to Barboza and other witnesses like him that his continued incarceration is his own fault, rather than




BSF-00138

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. Because the LCN has continually pressured Barboza to corruptly change his testimony in the Deegan murder case in Massachusetts, in order to free major LCN figures, Henry Tameleo and Peter Limone, it is in the best interests of the Department not to give Barboza the impression that we have abandoned him. While this impression would be false, a prisoner like Barboza is in the frame of mind to seize on an incident like our failure to send a witness to his hearing in order to justify his flipping to the other side. While the government has evidence which would eventually blunt the LCN attempt to get Barboza to perjure himself, on behalf of Tameleo and Limone, this would involve us in a series of long, expensive court hearings which would do no one any good. Thus, sending a witness to Montana is an ounce of prevention well worth the pound of cure.

I believe that Harrington is the only potential witness who has maintained complete familiarity with Barboza's situation over the years and thus is best equipped to represent us in a careful and responsible manner. Harrington has agreed to do this, even though the trip would interfere with his private practice, if the Department pays his transportation and per diem expenses for the trip. I recommend that you appoint Harrington a special attorney solely for the purpose of representing the Department in this matter. He would not receive any compensation from this appointment other than reimbursement of his travel expenses and per diem.

SEP - 4 1973

# The Baron May Get Parole

Joseph Barboza Baron, serving a prison sentence for the 1970 slaying of a Santa Rosa man in Sonoma Valley, has received a recommendation for parole from the Montana Parole Board.

Baron, known as The Baron, pleaded guilty Dec. 13, 1971 to second degree murder charges in the execution-style slaying of Ricky C. Wilson during an argument over $250,000 in stolen securities.

Wilson's body was discovered in a remote area of Sonoma Valley overlooking the Jack London Ranch area on Oct. 12, 1970, some three months after he was shot.

Baron also figured as the key prosecution witness whose testimony led to imprisonment of Raymond L. S. Patriarca, of Providence, R.I., reputed head of the New England underworld.

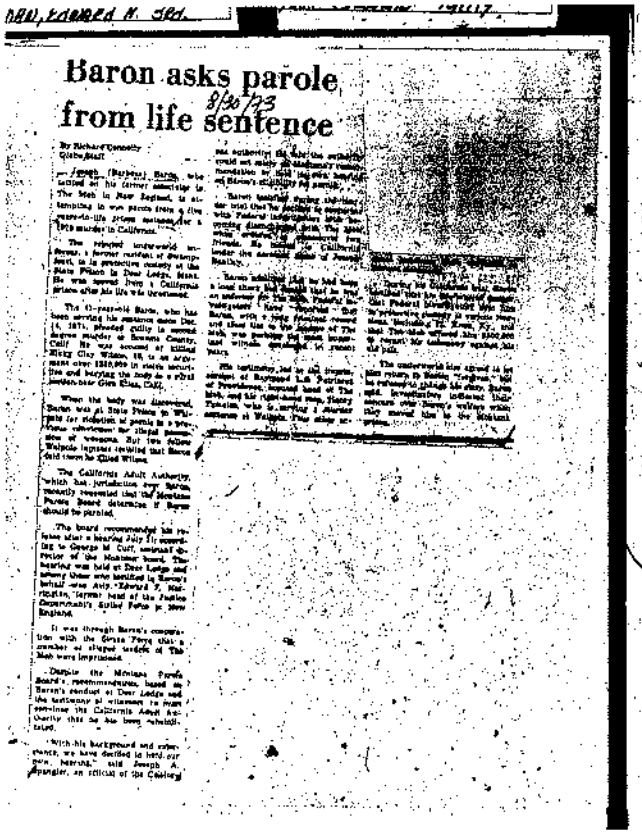
Baron said at his trial he was offered $500,000 to recant his testimony and was told he could return to Boston, but he refused.

After pleading guilty in Sonoma County, Baron was sentenced to serve five years to life, but was moved from a California prison to the state prison in Deer Lodge ,Mont. after his life was allegedly threatened.

After a hearing before the Montana Parole Board on July 31, at the request of the California Adult Authority, Baron received a recommendation that he be granted parole.

The California Adult Authority said it will now hold its own hearing on the parole request.

EXHIBIT 578



...BARON, Edward N. Std.

# Baron asks parole from life sentence

8/20/73

By Richard Connolly
Globe Staff

...(Bayboy) Baron, who settled on his corner ownership in The Mob in New England, is attempting to win parole from a life-sentence-to-life prison sentence for a 1970 murder in California.

The reputed underworld enforcer, a former resident of Swampscott, is in protective custody at the State Prison in Deer Lodge, Mont. He was moved there from a California prison after his life was threatened.

The 43-year-old Baron, who has been serving his sentence since Dec. 14, 1971, pleaded guilty to second degree murder in Sonoma County, Calif. He was accused of killing Ricky Clay Wilson, 18, in an argument over $350,000 in stock securities and burying the body in a rural Sonoma-area Glen Ellen, Calif.

When the body was discovered, Baron was at State Prison in Walpole for violation of parole in a previous conviction for illegal possession of weapons. But two fellow Walpole inmates revealed that Baron told them he killed Wilson.

The California Adult Authority, which has jurisdiction over Baron, recently requested that the Montana Parole Board determine if Baron should be paroled.

The board recommended his release after a hearing July 31 presided over by George M. Cuff, assistant director of the Montana Board. The hearing was held at Deer Lodge and witnesses who testified in Baron's behalf were Asst. Attorney General Edward P. Morrissey, former head of the Justice Department's Strike Force in New England.

It was through Baron's association with the Genna Twins that a number of alleged members of The Mob were imprisoned.

Despite the Montana Parole Board's recommendations, based on Baron's conduct at Deer Lodge and the testimony of witnesses to appear before the California Adult Authority that he has been rehabilitated.

"With his background and reference, we have decided to hold our own hearing," said Joseph A. Spangler, an official of the California

...was authority that the authority could not accept the recommendation by Montana Parole Board members of Baron's eligibility for parole.

Baron testified during the...that he decided to cooperate with Federal investigators after two...ing disappointments with the...under the assumed name of Joseph Barclay.

Baron admitted that he had been a loan shark and bookie but he was an enforcer for the Mob, Probably the...witness was Baron. Testifying for Baron, with a long criminal record and liked him to the judges of The...who was pondering the...and...witness appearing in person.

The testimony, and he and Jacqueline, assistant of Raymond L.S. Patriarca of Providence, reputed head of The Mob, and his right-hand man, Henry Tameleon, who is serving a murder sentence at Walpole. The other...

...Stanley Ha Steinberg said, should...Federal investigators who have...information pertaining to various...Baron. Steinberg, Jr. Esq., said that Baron informed him $300,000 in cash for testimony against his old pals.

The underworld has agreed to let him return to Boston "unharmed," but he reportedly pledged his every...said. Investigators believed that...ensure...Baron's welfare while...moved him to the Montana...

...BARON, Edward N. Std.

# Baron in Parole Plea For 1970 Cal. Murder

HERALD AM 11-73

DEER LODGE, Mont. (AP) — [illegible] underworld enforcer [illegible] Massachusetts who turned informer and now is in protective custody in Montana, has asked to be paroled from a prison

...sentence for a 1970 murder in California.

...Baron, 43, formerly of [illegible], Mass., [illegible] guilty Dec. 14, 1971, to second degree murder of Sonoma County, Calif.

He was accused of killing Ricky Clay Wilson, 18, during an argument over $350,000 in stock securities. He was charged with burying the body near Glen Ellen, Calif.

Baron was sentenced to five years to life, but was moved from a California prison at the same prison here after his life was threatened.

After a hearing July 31, at [illegible] of the California Adult Authority, the Montana Parole Board recommended he be paroled. Asked Baron's chances at Deer Lodge said the Legislature of Wilderness. However the California Adult Authority has said it would hold its own hearing, the newspaper said.

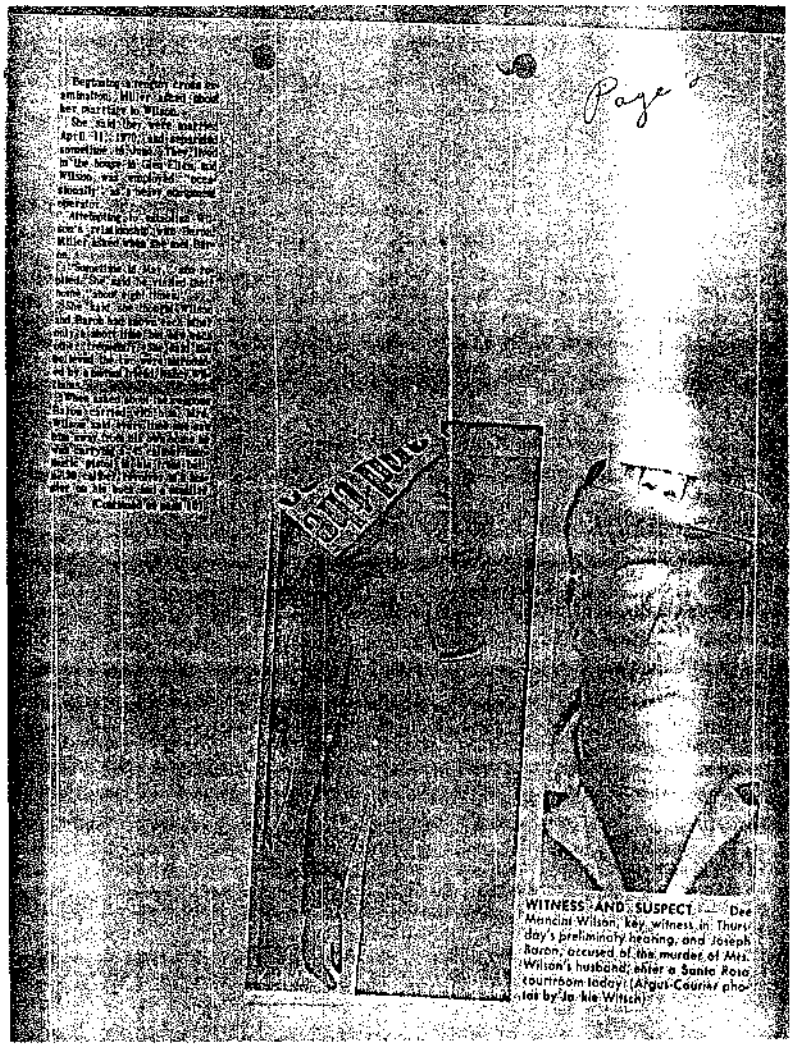
Stanley Steinberg, Boston lawyer who has decided to cooperate with federal investigators after becoming disenchanted with the underworld code, appeared to aid the friends. He said he moved to California under the assumed name of Joseph Barclay.

Officials said Baron was testimony by Baron that led to the imprisonment of Raymond L.S. Patriarca of Providence, reputed head of organized crime in southeastern New England. And Patriarca's aide, Henry Tameleon, who is serving a murder sentence at Walpole, Mass. Four other men were also convicted on Baron's testimony.

Baron was at the time also be was ordered $350,000 in fines his sentence and was told he could return to Boston, but he said he refused. He also testified that his life was in danger.

When the body of Wilson was discovered, Baron was at Walpole for violation of parole in a previous conviction for illegal possession of weapons. Two Walpole inmates testified that Baron told them he killed Wilson.

Among those who testified on his behalf at the parole hearing was Edward P. Morrissey, former head of the Justice Department's Strike Force in New England.



WITNESS AND SUSPECT — Dee Mancini Wilson, key witness in Thursday's preliminary hearing, and Joseph Baron, accused of the murder of Mrs. Wilson's husband, enter a Santa Rosa courtroom today. (Argus-Courier photo by Jackie Wittich)

REVISION BEFORE PUBLICATION IN THE RHODE ISLAND REPORTS. READERS ARE REQUESTED TO NOTIFY THE SECRETARY OF THE COURT, SUPREME COURT OF RHODE ISLAND, 250 BENEFIT STREET, PROVIDENCE, R. I. 02903, OF ANY TYPOGRAPHICAL OR OTHER FORMAL ERRORS, IN ORDER THAT CORRECTIONS MAY BE MADE BEFORE THE PRINT GOES TO PRESS.

JUL 31 1973

Supreme Court

State :
v. :
Robert E. Fairbrothers :

State :
v. : No. 1566-Ex. &c.
John Rossi :

State :
v. :
Rudolpho G. Sciarra. :

O P I N I O N

ROBERTS, C. J. On June 2, 1969, the grand jury returned three indictments, in each of which the defendants, Robert E. Fairbrothers, John Rossi, and Rudolpho G. Sciarra, were charged with offenses arising out of the fatal shootings of Rudolph Marfeo and Anthony Melei in a Providence market on April 20, 1968. Also named in the same indictments were Raymond L. S. Patriarca and Maurice R. Lerner. In Indictment No. 69-767 the defendants, Fairbrothers and Rossi, were charged with the murder of Rudolph Marfeo, while the defendant, Sciarra, was charged as an accessory. In Indictment No. 69-768 the defendants, Fairbrothers and Rossi, were charged with the murder of Anthony Melei, and the defendant, Sciarra, was charged as an accessory. In Indictment No. 69-769 the defendants, Fairbrothers, Rossi, and Sciarra, were all charged with having conspired to murder both Marfeo and Melei. A detailed discussion of the factual context surrounding the slayings may be found in our opinion in State v. Patriarca, R.I. , A.2d , filed July 20, 1973.



EXHIBIT 579

These defendants, along with Raymond L. S. Patriarca and Maurice R. Lerner, were tried jointly on all three indictments in the Superior Court, and on March 27, 1970, the jury returned verdicts convicting each of these defendants of conspiring to murder Marfeo and Melei but returned no verdicts on the indictments charging Fairbrothers and Rossi with the murders of Marfeo and Melei and charging Sciarra as an accessory to those murders. Each of these defendants has separately prosecuted a bill of exceptions to this court.

An exhaustive analysis of the briefs filed in behalf of Fairbrothers, Rossi, and Sciarra is persuasive that all of the contentions of error raised therein have been considered and determined to be without merit in State v. Patriarca, supra, and State v. Lerner, R.I. , A.2d , filed July 31, 1973. In such circumstances we are persuaded that extended opinions with respect to the contentions of each of these defendants would be duplicative of the conclusions reached on the various issues in State v. Patriarca and State v. Lerner, supra.

All of the exceptions of each defendant are overruled, each conviction is sustained, and the cases are remitted to the Superior Court for further proceedings.

Mr. Justice Powers participated in the decision but retired prior to its announcement. Mr. Justice Paolino, Mr. Justice Joslin, and Mr. Justice Doris did not participate.

July 31 1973 due

Hi Greg,

How can I ever thank you + Marty for what you two + Ted H. did for me today words can never even begin to express what I feel + what I also feel I owe you three, so Ill just say I am your friend for life in all I stand for + believe in, Ill always be there no matter what + when ever you both need me; nobody living do I feel a debt to as I feel towards you two!

Wasn't able to see you three today but I very well understand.

I am inserting the Parole Boards decision in this letter. Calif. is rather slow in reply so I guess Ill be here two to three months more.

Greg, I plan to come to Santa Rosa for a visit + I will make my presence known immediately to the police in regards to legality. Why I bring this up is because I truly, truly feel no ill towards



EXHIBIT
580

two Dee + Paulette, it was my fault not theirs in regards to the case breaking wide open. So when I go into Santa Rosa I dont want nobody getting paranoid. How could I lie to you + Marty at this point when I say I promise you both no troubles in Santa Rosa + I dont wish nobody any harm there. I am coming to Santa Rosa for a visit to see you Marty + others. Tell me is this wrong, especially when I mean no ill to no one there?

The parole board said this is the fastest early in the ~~State~~ History of Montana & her you made parole, I didnt even say one word! Except thank you + I floated out in a dream that I never thought would come truthfully! You, Marty + Ted H made this all come true. Nobody did I ever owe so much to!

I called [redacted] + told her + Bob Blumenthal. + she will I know tell you.

I look forward to the future + hope we can enjoy dinner, drinks + conversate together, my house will always be open to you + Marty. + once I do get settled where I plan in the future I hope you both with your families will wanter spend some time there + enjoy what I have to offer there. Ill even poach a few sea gulls for Marty to shoot! 😊 time well prove that my words aren't just the moment + the happiness I feel for the new start on life you both gave me!

I hope you'll find the time to write me when its convenient.

Be sure to show Marty this letter because this letter is certainly meant for him too!

It finally is a better day my friend have my best to Dianne, + the people

at the office.

Always
Joe

Joseph Bentley

Aug. 24, 1973
Friday

Hi Greg,

This is Doctor Livingstone. I am alive and well, since I last talked to you on the phone. I ope you do remember me talking to you on the hone because every indication at that time & onversation assured me you were living up s your name "Mr. Six Pack" with the belch all too! Nasty Kid!

As you are well aware Sir, after talking s [redacted] that I had the fortunate pleasure of er presence here for two days, which pleased me ery much!

At this time going on 4 wks since I've seen he Great White Fathers, I have not the slightest race or iota of news. Which is par & consistent with me, always in the dark, then bang they ower the boom, good or bad! If you could ather reservely & subtly inquire without ncurring the wrath of the powers to be, I ould appreciate it very much one or my paranoia at this last leg of th

EXHIBIT
581

s at its peak + I am ever mindful of T. Lee
adamant promise of making sure I never got
out + in this last leg of the journey is where
he is the most powerful! The waiting and
the suspense makes me form dragons in m
mind which of course I am always the victim
poor me! ☺ Hope you will write me +
let me know one way or the other, still too
hearing from you would be an experience I
haven't enjoyed in some time! ☺ Also your
new address would be appreciated because
again my paragon is prone to dislike sending
mail to the Court House, have visions of
Billy Hereway's super sleuth friend seeing the
return address. Since Fed H moved I cannot
write him because the letter at the old
address was returned, any aid you may
assist me in regards to this matter I would
appreciate because especially at this time it
is rather important for many reasons, I get in
touch with him!

Was informed very recently the profile on
me was submitted to the Publisher + I should

get an advance within a month. I will make it a point to see that you get the very first copy with my X! Nobody deserves it more than you, even if you are a chubby little kid! ☺

Remember that woman that sat in front of the honorable Judge Murphy's desk at her desk. Please tell her I said "hello" & be sure to tell her I hope those blood shot eyes she had during several periods of the trial are gone & I expect it was from Italian wine, as I indicated that I her during a recess in the trial. She seemed to be a right on person! Also the stenographer the younger one who was rather heavily built, they were both kind & nice to me & I never forgot & it was rather heart warming to me at the time when Hyland and his bunch were at their desk making me appear as a violent freak of nature! ☺ Will be rather nice to walk on the county jail desk & say "good afternoon my name is Joseph Bentley I am reporting the fact that I am an ex con visiting Green

evans, of course I'll have you right outside the door because I suspect it will create a slight quake! ☺

I am out of the Kitchen now after 10 months & I am now a roofer, the change is rather delightful.

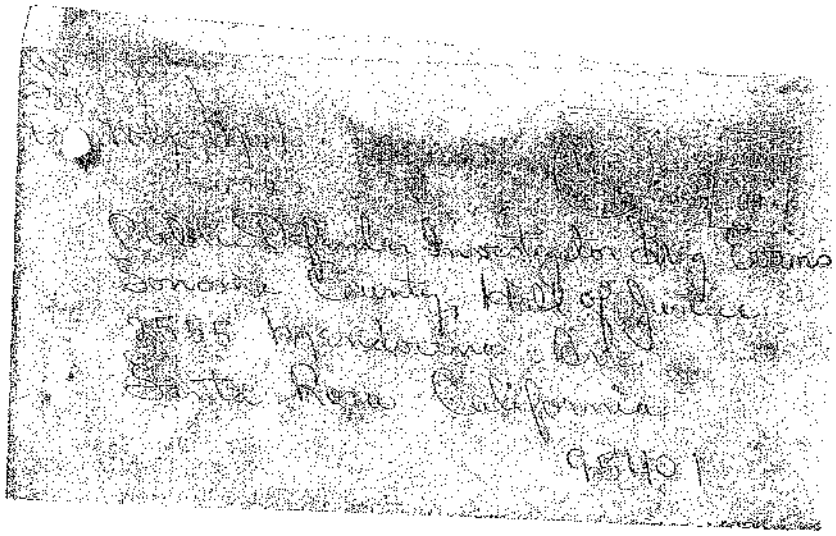
Well Mr. Six Pack, my best to Dianne & Marty, hopefully soon I'll have the pleasure of offering a dinner date to you & Dianne, which I hope you both will honor me by accepting!

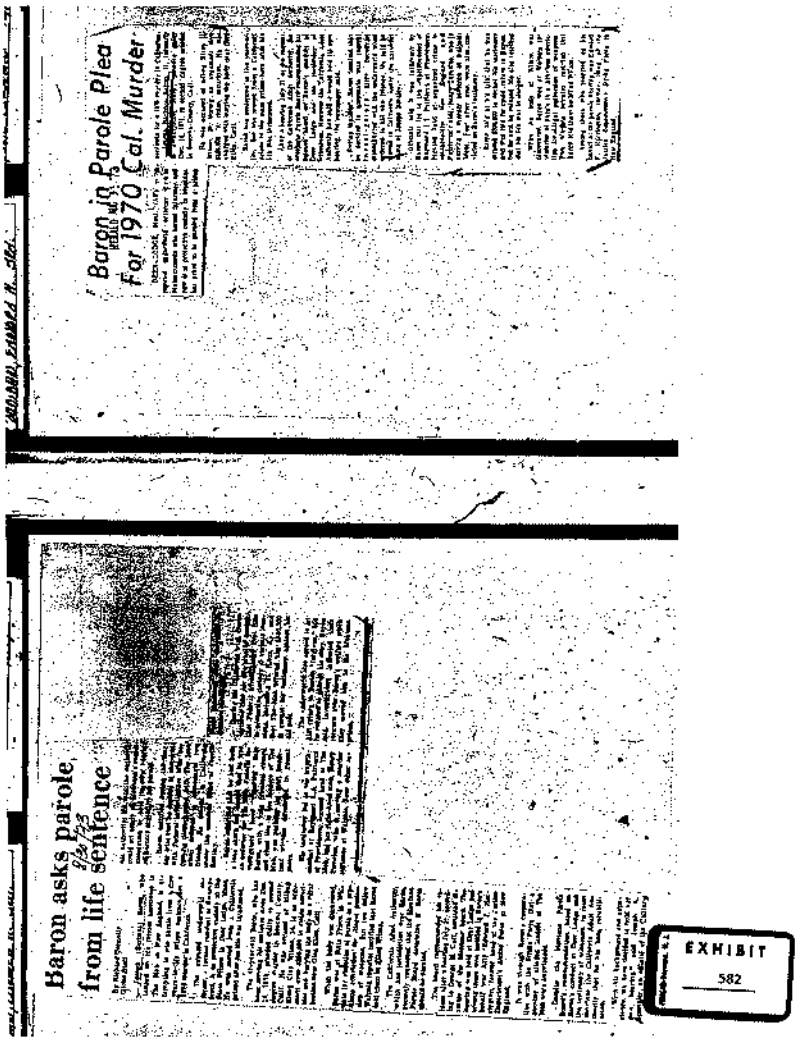
Until then Greg, peace my friend!

Always

Joe B.

Joseph Bentley





Baron asks parole from life sentence

Baron in Parole Plea For 1970 Cal. Murder

EXHIBIT 582

Page 2

Beginning a lengthy cross examination, Miller asked about her marriage to Wilson.

She said they were married April 11, 1970, and separated sometime in June. They lived in the house in Glen Ellen, and Wilson was employed "occasionally" as a heavy equipment operator.

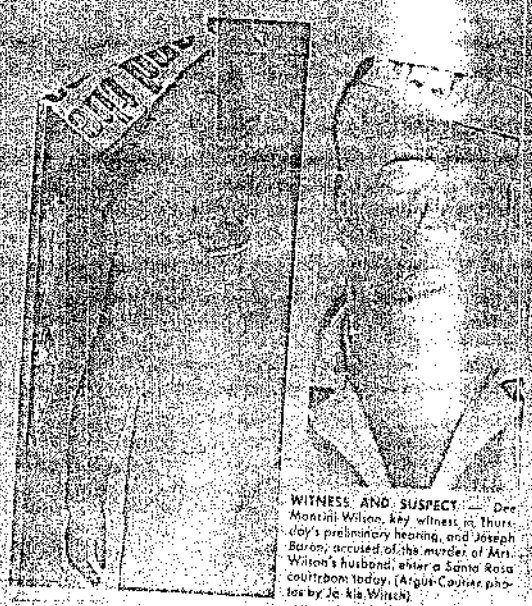
Attempting to establish Wilson's relationship with Baron, Miller asked when she met Baron.

"Sometime in May," she replied. She said he visited their home "about eight times."

She said she thought Wilson and Baron had known each other only a short time, but saw each other frequently. She said she believed the two ways introduced by a mutual friend, Nancy Williams.

When asked about the weapons Baron carried with him, Mrs. Wilson said every time she saw him away from his own home he was carrying a .45 caliber automatic pistol in his front boot, a .38 caliber revolver in a holster on his back and a smaller

(Continued to page 10)



WITNESS AND SUSPECT — Dee Montini Wilson, key witness in Thursday's preliminary hearing, and Joseph Baron, accused of the murder of Mrs. Wilson's husband, after a Santa Rosa courtroom today. (Argus-Courier photos by Jackie Witsch)



# Prisoner fears for life, warden ponders transfer

By BECK FOOTE
Standard Staff Writer

Montana Prison Warden Bruce Crist and Friday prison officials are studying the possibility of transferring Joseph Barone Baron, II, from Deer Lodge to another institution.

Crist said Baron is "definitely concerned for his life" after stories appeared Friday from the Boston Globe about Baron's Mafia connections and his ultimate defection.

The Montana Standard has been gathering information about Baron for several weeks. Up to the time he agreed to "break the code of silence" and cooperate with the justice department, Baron had a long criminal history.

His defection from the task, according to letters obtained by The Standard, resulted in convictions of Raymond L. Patriarca, "boss" of the New England Cosa Nostra family.

Edward F. Harrington, a former attorney in charge of the justice department's Organized Crime Strike Force for New England, credits Baron's testimony against Patriarca with moving other Mafia figures to talk.

Among them are government witnesses John J. "Red" Kelley and Vincent C. Teresa.

SINCE BARON testified against the Mafia, he and his family have been under justice department protection. One report about him states, "Subject's wife and children are at an unknown location and subject corresponds with them through the FBI in order that they may be protected from harm from the Mafia."

Baron has good reason to fear for his life. A letter to him states, "I know the true story on your case and you will be free in a short time, and we will stick 'Anglo' and everyone else. Get someone to me or my sister and you will be on the street, let Anglo take the shot. I'm quiting you, the Notify your lawyer — I was offered $200,000 for sinking you. I will definitely put you on the street. F... the Mafia and let's give them their best shot."

That letter allegedly was written by the man to whom Baron talked while Baron was incarcerated in Massachusetts on a parole violation. Baron supposedly told the man about a body buried in California and the man informed authorities.

The body was found and Baron pleaded guilty to second-degree murder. He was sentenced in California and subsequently, last October, was transferred to Montana for his own protection.

BARON HAS appeared before the Montana Parole board, which has recommended his parole. According to Crist, Baron has been a model prisoner at Deer Lodge. The California parole authorities now have to decide if Baron will be free.

If he is freed, after he has been transferred from the state for his protection, parole board sources say he will continue to be protected by the justice department.

Baron's original Mafia link came from loan shark activities in Boston, according to his records. A Montana parole board source says Baron said he earned $50,000 a week as a loan shark and during that time he was a "go-between" for two ongoing New England Mafia "families." As a result of his pencomaking efforts, the source said, Baron was about to organize his own "family"

CONVICT Page 17

The Montana Standard Sept 1 1973

BSF-00240

## Convict . . . .

(Continued from Page 1)

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EXHIBIT
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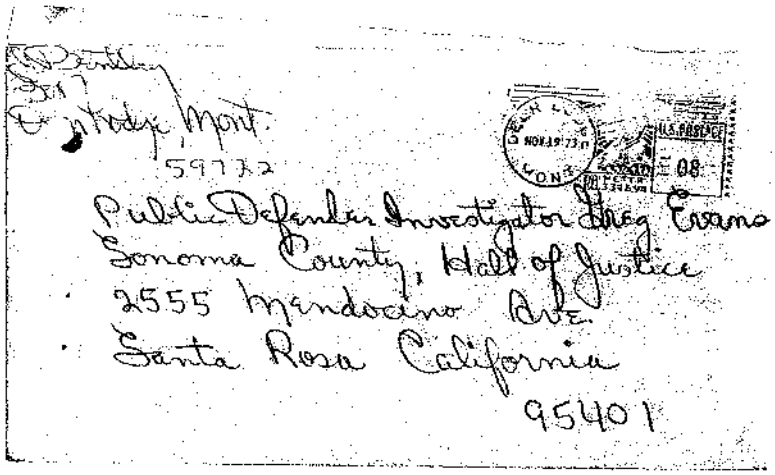
Dentedge, Mont.
59772



Public Defender Investigator Greg Evans
Sonoma County, Hall of Justice
2555 Mendocino Ave.
Santa Rosa California
95401

EXHIBIT
584

Sept 6 1913

Mr Greg,

Thurs.

For 3 years I took crap till at times I could taste it in my mouth but always I felt this was part of the punishment I had to accept in trying to achieve my goal. I was right on the brinks of realizing my goal & I wake up one morning & there it is all gone & taken away from me in the form of the newspapers. It's been like today since the story broke & I've had many thoughts some I've straightened out in my head but yet many are still confused. I do realize that I am going back to the Zoo in 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 & I am on the stand I will cause a scandal that will be nation wide. I do also feel at this point in time & past the the Court in Sonoma should not struggle to allow me a change of venue. Before

I do start my case I will contact Atty Joseph Balliro, of Boston, & have a long interview with him. Through that interview I am sure that I will tighten up my defense quite considerably!

I have never sat down with you & 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 & 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. You saw how they hid behind their offices on the stand.

Well as you saw how readily I accepted the very worst from the onset of the case in Sonoma, I am just as ready now only more so, I am going to pull the covers on some very righteous appearing people & believe me of all the words I have ever spoken to you I hold all the pieces to cause it! I've been aware a long time

ago the various people who played games
with me, I wouldn't be alive now. If
I couldn't read people & my paranoia doesn't
distort my senses. I have never lied
to you & my feelings for you in all I have
ever professed to you have been sincere.
I am sure knowing the political structure
that Calif. will turn me down because
of the recent publicity that the same people
caused. I will see you in Folsom because
I refuse to go to any other State & the
penal code allows me this right. I will
talk to you there hopefully when you
come to see me. Okay, is what I said
understood? I hope Okay is what you
yourself make it! I don't have hope now
& what I am about to endeavor I don't as
my sights on freedom because I know
freedom will be even further away &
completely lost forever but the satisfacti
of concepts, ideals, philosophies still

intact through it all is my only goal left in life.

Later on Gray, maybe never until a better day but most certainly a self satisfying day!

Always
Joe B.

Joseph Bentley

Dr# 184-458

Law Offices of
Ballire and Woodrow

Suite 4[illegible]
444 School Street
Boston, Massachusetts 02108
617-[illegible]

Joseph J. Ballire
Lionnor W. Woodrow
Henry D. Katz

October 25, 1973

Justices Court
Las Vegas Township
County of Clark
Nevada

Office of the Sheriff
County of Clark
Las Vegas
Att: Ralph Lamb, Sheriff

Det. Ed Callahan
Fugitive Detail
Office of the Sheriff
Las Vegas, Nevada

Lt. Harold D. Rowe
Jail Division
Office of the Sheriff
Las Vegas, Nevada

Re: SALEMME, Francis P. -- Your DR #184-458

Gentlemen:

Please be advised that the above named is presently incarcerated in the Massachusetts Correctional Institution at Walpole serving a sentence imposed several months ago in the Middlesex Superior Court, Cambridge, Massachusetts.

Kindly consider this communication as a formal notification of his whereabouts and his demand that he be forthwith taken from his present place of confinement to the State of Nevada for trial which he herewith demands in connection with the complaint against him made by one J. Duggan of the crime of murder.

I am enclosing a copy of the criminal complaint that apparently was subscribed and sworn to on March 12, 1970. 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.

Very truly yours,

EXHIBIT
585

STATE OF CALIFORNIA — RONALD REAGAN, Governor

DEPARTMENT OF CORRECTIONS
SACRAMENTO

October 26, 1973

RECEIVED
OCT 29 1973
MONTANA STATE PRISON

Mr. Joseph Bentley
Box 7
Deer Lodge, Montana 59722

Dear Joe:

Well it appears the dead have risen...or returned to the human race!! It's hard to tell. I got to thinking perhaps you returned to the other side which would have accounted for my not hearing from you these past few months.

I'm writing inspite of the fact that I've done you no personal harm and don't intend to unless you decide to return to your former role and in the process, figure that I should be terminated. When that happens, you know I'll be around.

Unfortunately, I still get reports periodically about your worst enemy. He's still identified as that character you look at and shave each morning.

Glad to hear you now feel that Montana is not such a bad place. 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. Nobody happened to be in the office today that could provide me with specifics. I will attempt to determine what action was taken and will drop you a line. In reviewing your file I see that you have just reached your minimum eligible parole date. This might be a reason why you are not yet out.

Good to hear you've sold the book. Of course I'm still waiting for an autographed copy. I note in the letter you say you're very depressed and under great pressure. Actually your letter does not reflect such to be the case. In any event, hang tough, keep a stiff upper lip and regardless of what you hear, don't hesitate to correspond with me any time you like.

Best regards,

R. E. COYLE

EXHIBIT 586

bc: Warden R. W. Crist
Montana State Prison
Deer Lodge, Montana 59722

Mon.

Mr. Thy.

As you have gathered from last latest length of silence, I sure am uptight & feeling the pressure mentally & physically more so than I have ever felt before! This release is important to me for so many important reasons, that if I were turned down, I would suffer in many ways. With all these thoughts in mind the waiting now of over 16 weeks to hear if Calif. will follow along with Montana's recommendation for parole or deny it, on a decision I was entitled by law of a hearing & decision on my eligibility which was last May, 6 & ½ months ago?? When I realize that this situation is so unique that 99% of the inmates around the country never have been subjected to this type of pressure & mental torture, & I leave 1% to be generous because so far to all old time convicts they never heard of anything like this before, & also neither have any of the [illegible] this type situation, I questi[illegible]

EXHIBIT
587

my rights have been violated? I question cruel + unusual punishment, + due process of law? If you would speak to Marty about my questions + thought on this matter + he would be kind enough to give me his opinions? I sure would appreciate it! Remember this Greg, I never asked to come here, + many time for months afterwards I asked to be brought back, even if it brought on their wrath + to get even would punish me + send me to the Folsom 300! And still was refused + not allowed to come back where being here they isolated me in distant from love ones + friends, through no choosing of my own as the Interstate Exchange Prisoner Pact, states I should have a choice + go before a Warden before leaving. Also what I suffered in not being given a voice in which I was entitled by law. I was denied the the advance modern penal advantages all other prisoners sentenced in Calif

enjoy. I was discriminated against & was denied what 99⅘ of prisoners in Calif have at their disposal. I have grounds for flagrant neglect in the security of my person existing already because of events to have occurred in the last several months that makes me aware of being in the most weakest & vunarable position I have ever been in since agreeing to take on the Krassaballs; also since the security of my person is in the hands of Calif & brother state Montana & portions of my files were leaked out to the newspapers because of a security leak in the administration am I to suffer stoically for this danger brought upon me & damage or should I seek relief in the courts? When all this fails, I still have a case to open up in court. A case that could blow up into a proportion & magnitude beyn your wildest imagination. Well sir

now that I have sniveled to you could you be kind enough to stay away from a six pack + allow me that time in a letter + hopefully have some good news for me? I need it, Grey, HELP! Please ask Marty what he thinks.

Grey, if you want an autograph copy of a book I have in mind? You better feel sorry for me + show me you still love me + write! :)

My best to Dianne + Marty.

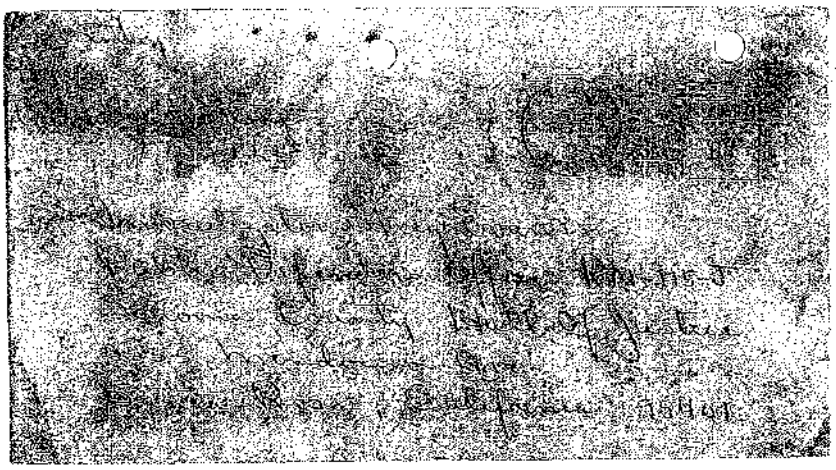
As Ever

Joe B.

Joseph Bantry

P.S.

You have [redacted] in Tears because of your silence with her. I hope she gets mad instead and slaps your pudgy cheek! "Snicker"

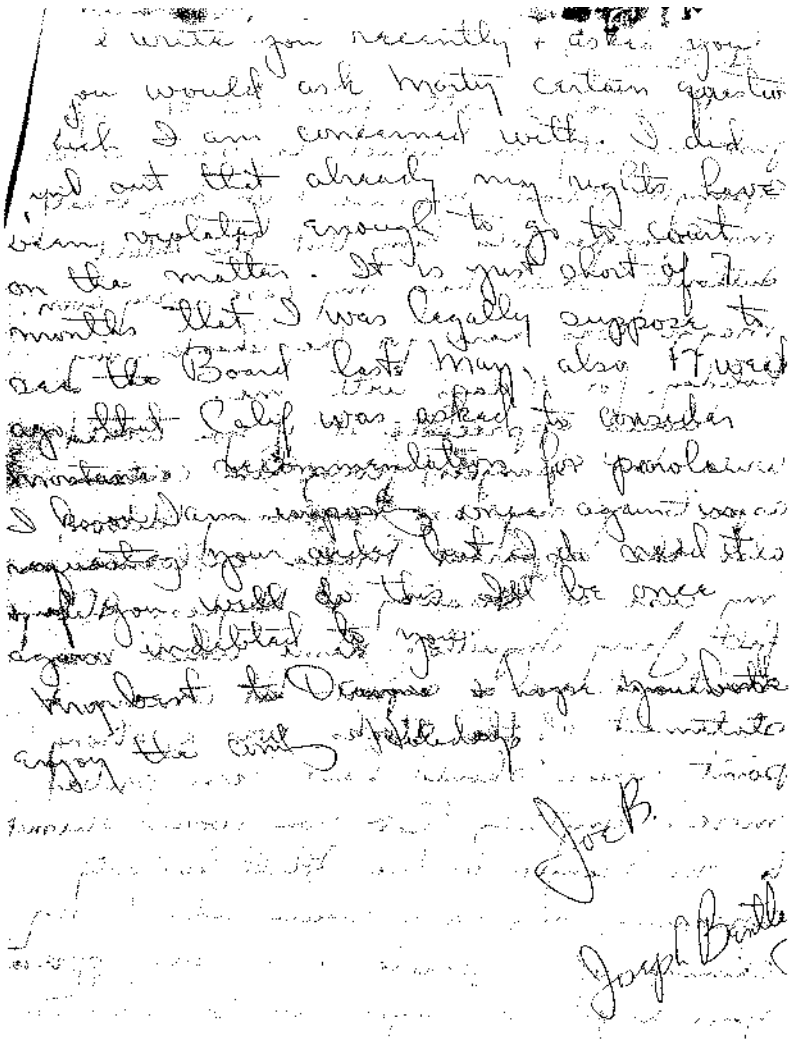


Hi Greg,

Received a letter from Fred Harrington just recently in which he said he wrote Spangler about my case + on my behalf. Mr Spangler told him that the Adult Authority would hear my case very soon. [redacted] was here for the Thanksgiving holiday for 4 days with me.

Would appreciate it if you would write Mr. Spangler, giving him certain aspects of my case concerning Wilson, also the apparent Mafia influence in my case of Geraway + Hughes. Always felt Jerry Anguillo's name which was mentioned in a report his concern + statement of the stocks was a strong point which should have been probed more. Anything that you would submit to Mr Spangler or the Adult Authority concerning my case would add to my chances of a parole + I'd su[illegible] your help once again in this [illegible].

EXHIBIT 588



DEC 18 1973

# The Baron In Prison Fracas

New England Mafia hit man Joseph Barboza Baron reportedly was involved in a violent incident at Montana State Prison yesterday.

It was first reported Baron, convicted in Santa Rosa of second-degree murder in 1971, had escaped from the prison at Deer Lodge, Mont.

Sonoma County Undersheriff Robert Hayes said the Sheriff's Office called the prison and received confirmation that Baron is still in custody.

Hayes said he was told Baron was involved in an incident in which a guard's jaw was broken.

Baron reportedly is confined in Montana State Prison under an assumed name for security purposes.

Baron, known as The Baron, pleaded guilty in mid-trial Dec. 13, 1971, to second degree murder in the execution style slaying of Clay Wilson, Santa Rosa, in an argument over $250,000 in stolen securities.

Wilson's body was found in a remote area overlooking the Jack London Ranch area on Oct. 12, 1970, three months after he disappeared.

Prior to moving to Santa Rosa, Baron turned states evidence and was responsible for conviction of a number of high-ranking New England Mafia figures.

The government gave him a new identity and had him move to Santa Rosa.



MONTANA STATE PRISON

RULE INFRACTION REPORT

NAME BENTLEY, J. MSP # 38 509

EMPLOYED R.H. UTILITY CELL OR QUARTERS

VIOLATION OF INFRACTION # 002, 205, 256, 306, 703

DATE DEC. 16,1973 TIME: 11:10 A.M.

OTHER INMATES INVOLVED:

_____ MSP NUMBER _____

_____ MSP NUMBER _____

_____ MSP NUMBER _____

_____ MSP NUMBER _____

_____ MSP NUMBER _____

WHERE SOUTH GATE OF ROTHE HALL

WHAT HAPPENED? INMATE BENTLEY REFUSED AN ORDER TO BE SEARCHED BY OFFICER OWEN FOSTER. IN THE PROCESS BENTLEY STRUCK OFFICER OWEN FOSTER IN THE FACE, AND RETOOK CONTRABAND WHICH OFFICER FOSTER HAD FOUND, AND DESTROYED SAID CONTRABAND EVIDENCE (WHICH INMATE BENTLEY HAD BEEN CARRYING.)

SEE THE REPORT FROM OFFICER MATKIN, SGT. JAMES, AND OFFICER FOSTER.

HE ALSO THREATENED SGT. JAMES.

WHY DID THIS HAPPEN? _____

HAS INMATE BEEN REPRIMANDED BEFORE? _____

OTHER REMARKS OF EMPLOYEE _____

T. A. DeYoung
Reporting Officer's Signature

TEMPORARY DISPOSITION OF INMATE Det. allow. P.Z.

_____
Shift Supervisor's Signature

DATE INFORMED IN WRITING ON 12/19/73 Sgt. R. H. [illegible]
Captain's Signature

DISCIPLINARY COMMITTEE REPORT

C.104 DEC 27 1973

NATE BENTLEY, J. MSP # B-38-569

E 1:25 pm DATE 12/20/73 PLACE D. Warden Vice

RECORDED BY [signature]

LATION OF INFRACTION # 002 - 205 - 256 - 306 - 703

NATE STATEMENT "I HAVE BEEN UNDER TREMENDOUS PRESSURE SINCE I HAVE BEEN HERE." "IT ALL CAME OUT WHEN OFFICER FOSTER SHOOK ME DOWN. I WILL PAY FOR THE DAMAGE I DID TO FOSTER." "ALL I WANT TO DO IS GO BACK TO CALIFORNIA."

MR. DAWSON WAS PRESENT AT BENTLEY'S REQUEST

MITTEE DECISION:

✓ 1. Suspend action until _____

_____ 2. Reprimand

_____ 3. Loss of privilege

_____ 4. Extra work assignment

_____ 5. Loss of good time

_____ 6. Charge for damage

_____ 7. Detention cell

_____ 8. Segregation

_____ 9. Other

CIAL ORDERS SUSPEND ~~[illegible]~~ ACTION ON INSTITUTIONAL CHARGES UNTIL SUCH TIME AS THE DISTRICT COURT ACTS.

REMAIN IN ADM. SEG. T.L.

COMMITTEE MEMBERS

[signature]
Deputy Warden

[signature]
Director of Classification & Treatment

[signature]
Member

[signature]
Member

( ) APPROVED ( ) DISAPPROVED

[signature]
WARDEN

MAY 25 1973

MONTANA STATE PRISON

RULE INFRACTION REPORT

4/

INMATE Bentley, Joseph C MSP # 38509

EMPLOYED R.H. Kitchen CELL OR QUARTERS 3H Box 1

VIOLATION OF INFRACTION # 201

DATE 5-19-73 - Appx 8 PM

OTHER INMATES INVOLVED:

1. Boucher, John MSP NUMBER 23420
2. Gather, Leslie MSP NUMBER 23574
3. _____ MSP NUMBER _____
4. _____ MSP NUMBER _____
5. _____ MSP NUMBER _____

WHERE _____

WHAT HAPPENED? R.H. upstairs lobby

After having been involved in a fight with Inmate Boucher in the R.H. kitchen, Inmate Gather had been sent to his bunk in Dorm 4. After the arrival at security patrol, Officer Norris, Officer Davidson and myself, Sgt. Root, went to get Gather in order to send him over to the ward. As we approached the stairway, Inmate Bentley approached and said to Gather, "Go do it, mother fucker," and hit him in the face. Myself, Officer Davidson and Norris immediately got between Bentley and Gather and herded Bentley into the library and told him to stay there, which he did.

WHY DID THIS HAPPEN? Do not know

HAS INMATE BEEN REPRIMANDED BEFORE? not by me

OTHER REMARKS OF EMPLOYEE Bentley has been a good worker as well as a well behaved inmate.

Sgt Charles Root
Reporting Officer's Signature

TEMPORARY DISPOSITION OF INMATE Left on present assignment by per order Associate Warden Klos.

Sgt Charles Root
Shift Supervisor's Signature

INMATE INFORMED IN WRITING ON 5-21-73

L.C. Davidson
Captain's Signature

DISCIPLINARY COMMITTEE REPORT

INMATE Bentley, J MSP # 38509

TIME 1245 DATE 5-22-73 PLACE D.W. office

RECORDED BY [signature]

VIOLATION OF INFRACTION # 001

INMATE STATEMENT The report is true. I went down to the kitchen from my dorm to check on some meat. When I got back there Boucher was really upset about this inmate drinking pruno in the kitchen. I went back and told this dude to knock it off. This guy left and later I went to a dorm where I met Yother. I talked to him shortly there then

COMMITTEE DECISION I went to my dorm. While there someone came up and told me that Boucher was beat up by Yother. When I seen Boucher's injury it pissed me off so I decided to hit Yother.

_____ 1. Suspend action until

_____ 2. Reprimand

_____ 3. Loss of privilege

_____ 4. Extra work assignment

_____ 5. Loss of good time

_____ 6. Charge for damage

_____ 7. Detention cell

_____ 8. Segregation

X 9. Other

SPECIAL ORDERS Return to regular work assignment with reprimand.

COMMITTEE MEMBERS

[signature]
Deputy Warden

[signature]
Director of Classification & Treatment

[signature]
Member

[signature]
Member

(X) APPROVED ( ) DISAPPROVED

[signature]
WARDEN

January 2, 1974

RECEIVED
JAN 4 1974
BOSTON FIELD OFFICE

Dear Ted:

Happy New Year. Hope this year will be a good one for all of us, but I'm not so sure.

I don't know if you are in touch with Hank Messick, but he is busy working on the book. They sold it to Dell, I think it was. Can't remember the publisher's name now. Joe got an advance, and Hank expects to have the book ready for Joe's approval some time this month. I've been the middle person all along, and I hope it is a good book. Hank has been rather interesting, to say the least, and I'm glad you put me in contact with him. Believe it or not, they are going to dedicate the book to you. How does that grab you? A dubious honor, at best, I imagine. Anyhow, you have an autographed copy coming in time, by which time you won't be speaking to any of us!

I'm writing to you at Joe's request, since he is in segregation and preferred I write and tell you the latest developments rather than have the letters pass through the prison at this point. On December 16th, he got into a hassle with a guard and decked him, breaking the guard's jaw. They had Joe in the hole for a week, and he is now in segregation. The letters just started coming regularly over the weekend, but as far as I can determine, Montana hasn't charged him. It is hard for me to get much news of what is going on back there.

The story of what happened, as told to me by Joe, is this: He was out for a visit on Sunday, and for some reason they gave him a search in the visiting room, and found nothing. We found out later they were looking for dope. The guard who searched him drove him back to Rothe Hall and they had words. At Rothe Hall, the guard demanded he strip and made Joe remove his coat and shirt. This is in the snow outside Rothe. Then the guard told him to remove his shoes, and Joe refused to in the snow. He told the guard to take him inside and give him a strip search, but he was not going to strip in the snow. Well, a few more words and the guard pushed Joe, causing him to fall against the truck, and the guard called him an Eastern Stoolpigeon. Needless to say, when Joe got up, he decked him.

That's the story I have, and I haven't talked to anyone who has seen Joe since this happened. I can't get up there again until the snows melt. I do understand from a conversation with someone in Montana who works at the prison that they were trying to say he had dope. That I don't believe. Everyone else in that dump packs it into Rothe Hall, and I've seen it for a fact. Their old ladies bring it in on visits. Talk about trafficking in drugs. Makes what goes on in San Francisco look like a pretty small time operation, but that is neither here nor ther

EXHIBIT
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2.

Needless,to say, Joe is very disgusted with everything. As you know, he had his parole hearing on July 31. To date, California never let him know if he was paroled or not, or never even gave him the time of day, outside of one priceless letter from Rubin Coyle reminding him for the umpteenth time to "keep his nose clean" and "that you are your own worst enemy." But regardless, everyone knows what kind of pressure he is under, and not hearing from California didn't help. Neither did Montana do anything to find out what California was going to do about him.

You also recall that the story broke in all the Montana papers about Joe's cover, etc. They still didn't have him moved after that and days after the story broke, they had him on the roofing crew going down the main street of Deer Lodge in an open truck. Then, after this last hassle, all the Montana papers carried an article that he got in a hassle with a guard, etc. At least up there all it said was he got in a hassle with a guard. In the paper here it said he escaped. You can imagine how I felt over that, but needless to say, Chuck Hiner found out for me that it was not true.

Well, regardless, all of this has not set well with him, and he is contacting Marteen Miller to see if he will represent Joe with regards to reopening his case. Joe is convinced he is going to reopen his case. I don't know that much about Santa Rosa, nor did I ever have reason to ask, so all I can tell you is that he is determined he is going to reopen his case.

Not only that, he has been in contact with his brother to be in touch with some people back east, among them Denny Condon, and others. So, I don't know what is going on, or what will be going on, but I wanted to let you know what Joe asked me to. Also, for your information, one of the people he is getting in contact with is Joe Balliro.

So, I don't know what else to tell you, since I don't know why I was to write you with the above information, except that Joe asked me to.

I'm doing [redacted], but I drift around, so I have no number where I can be reached during any given day. However, my home phone number is [redacted] so call me if I can give you any further information about anything.

Best wishes,

[redacted]

Jan 7 1974
Wilo

Mr. Bobby,

This is very important! You must write Tom H. Dinny, each in Boston. Then you must write the Attorney General Israel marked confidential & personal, & also Colonel Stone Superintendent of the State Police. State Police Hdqts Rhode Island. In each letter that you type to A.M. Israel State House Rhode Island & to Colonel Stone do not sign your name, but tell them these letters can be verified by Tom H. & FBI Agent Dinny Condon.

Tell them I would like to see the 4 of them together before California takes any action on my case.

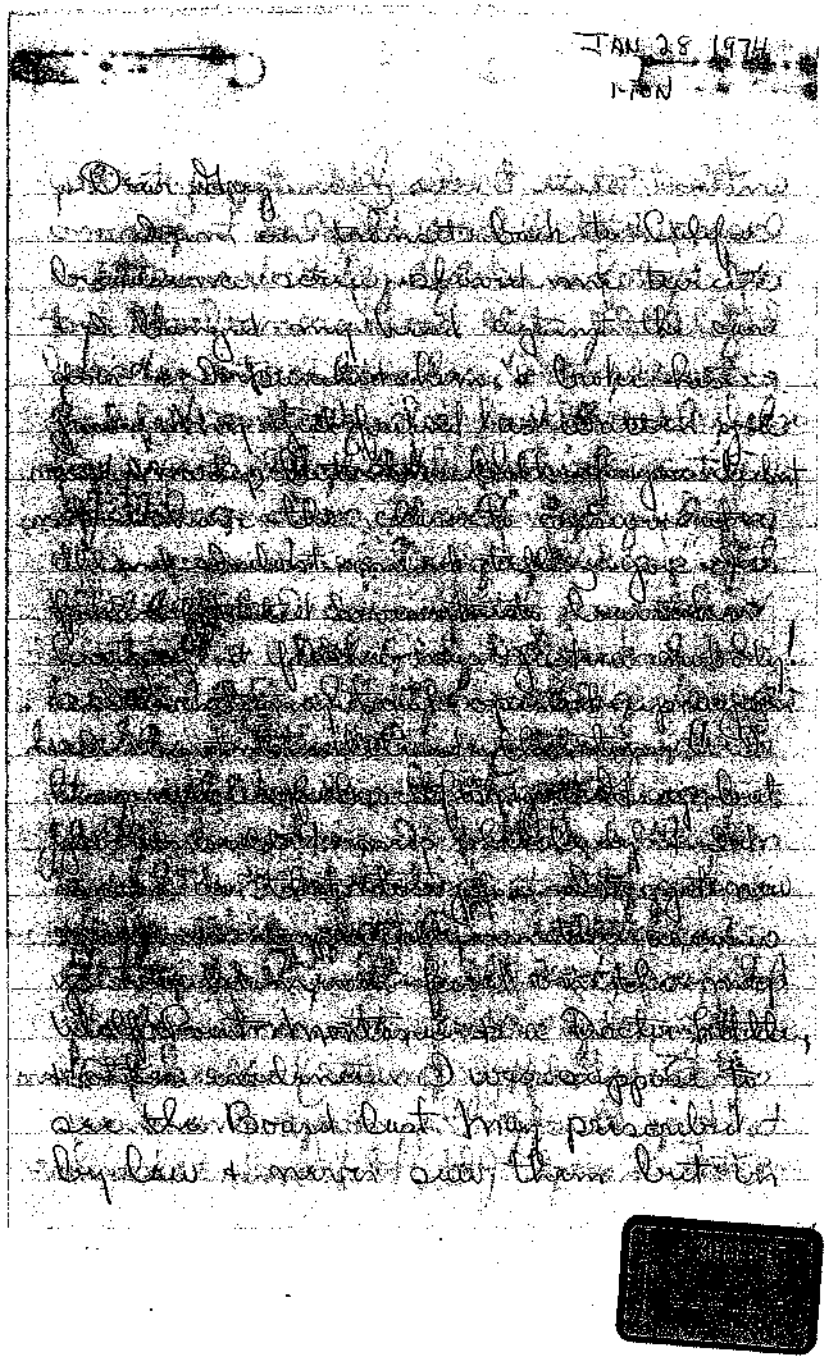
I wish to discuss with them about Romeo Martin concerning Raymond Patriarca, Jerry Anguilo, Henry Tomallio, Ronnie Carasso, & Chico Amico, & Bill Stewart. It concerns a police report & The Blue Bunny!

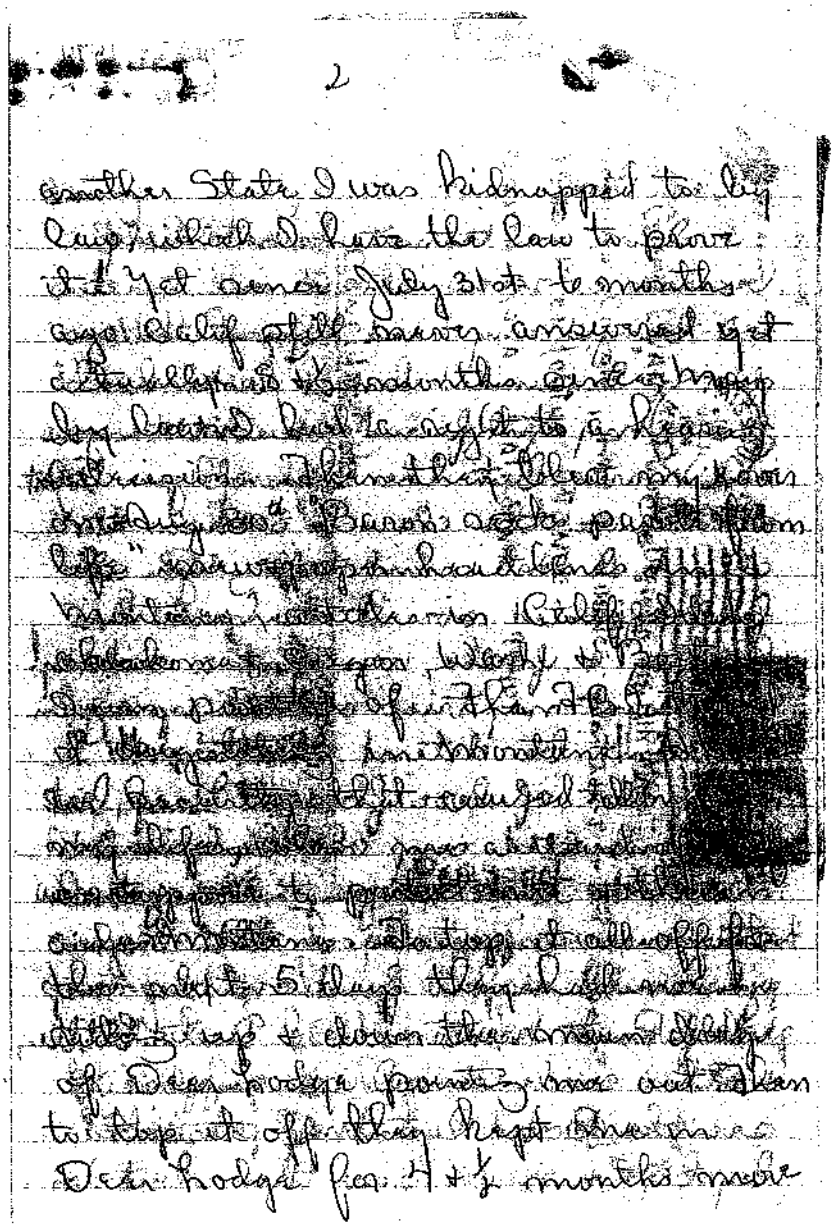
That I will wait until Tom H. & Dinny contact you & if there is no response then I will have a letter sent to the Providence Journal & Record American

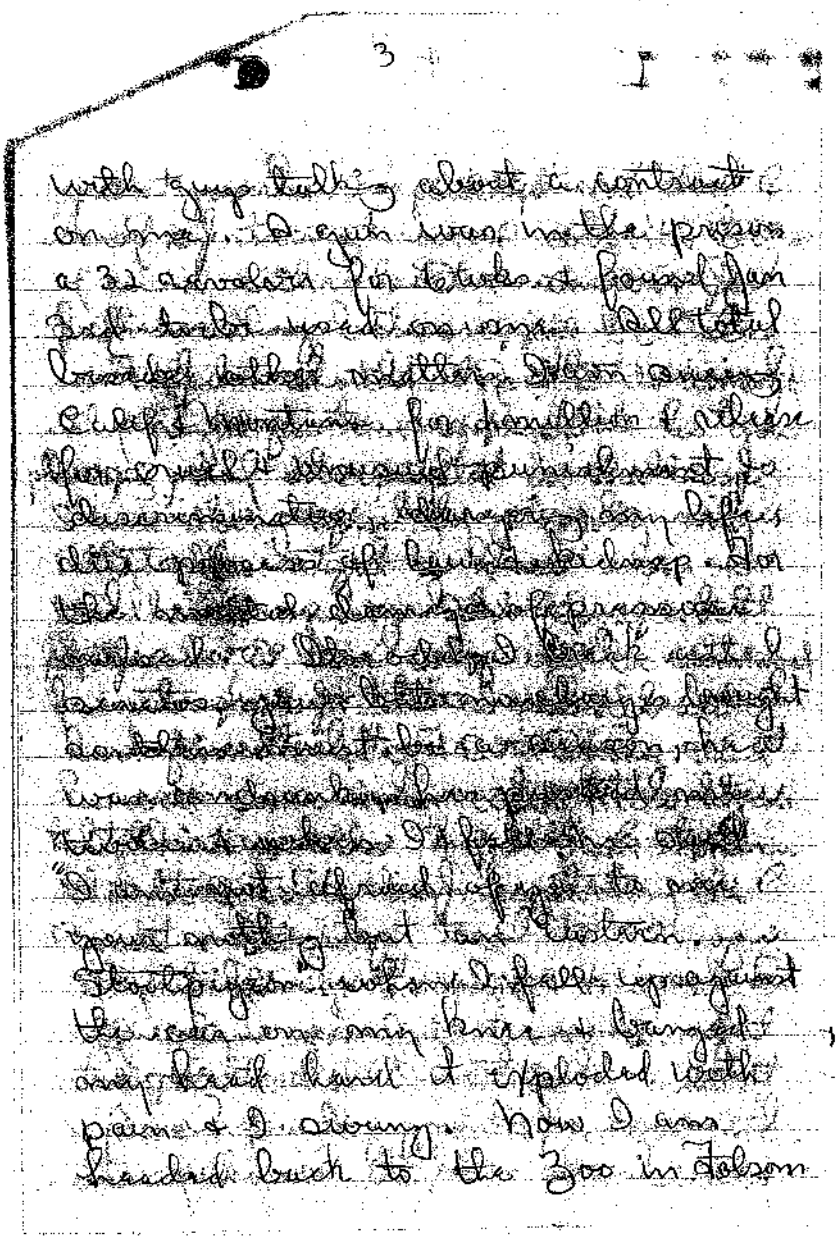
BEST COPY

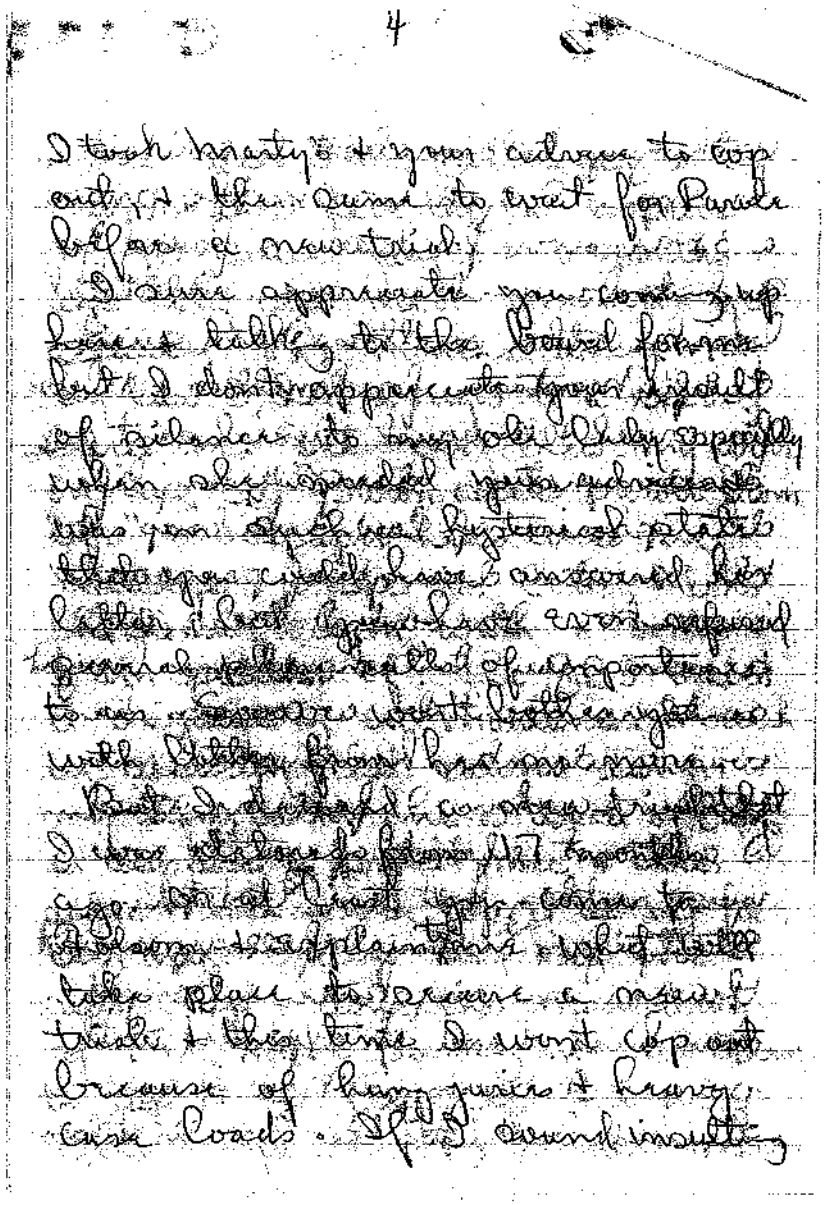


EXHIBIT
592







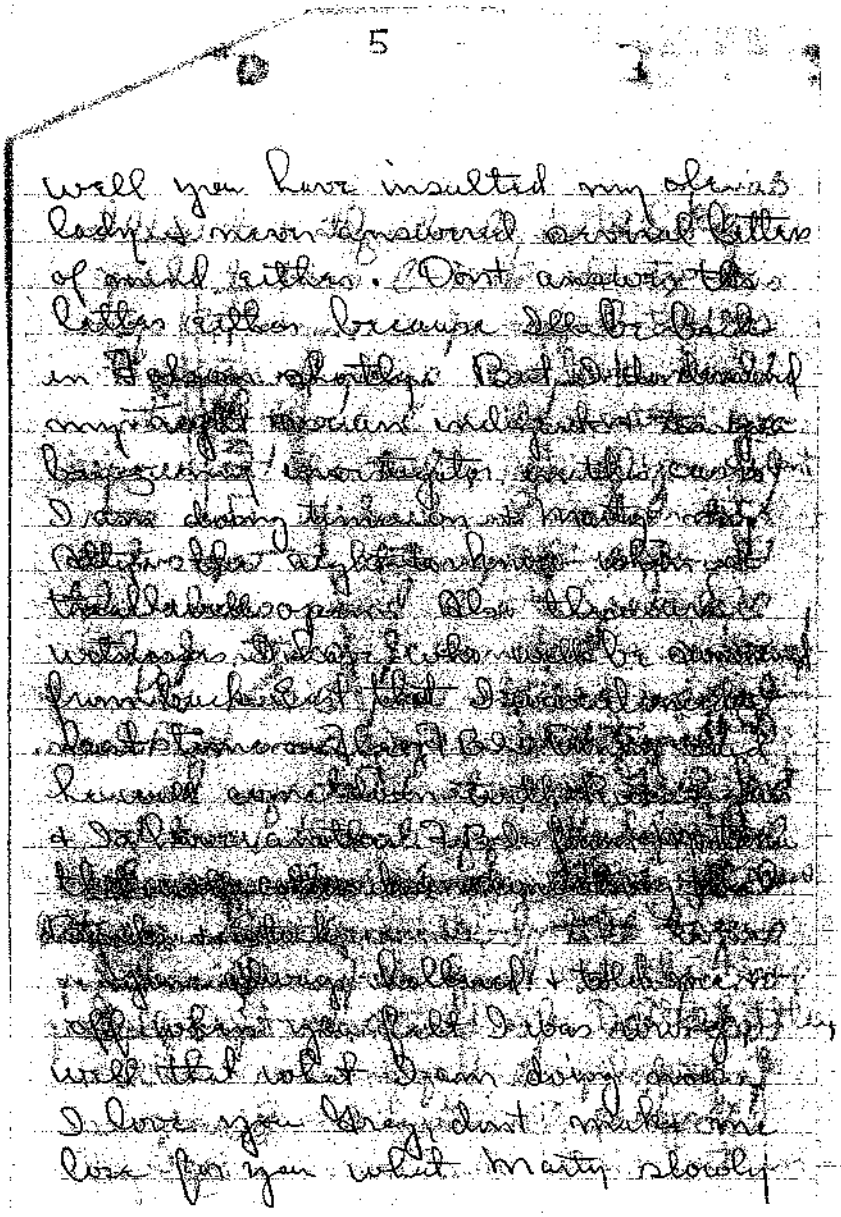


4

I took Marty's + your advice to cop out, + the same to wait for Parole before a new trial.

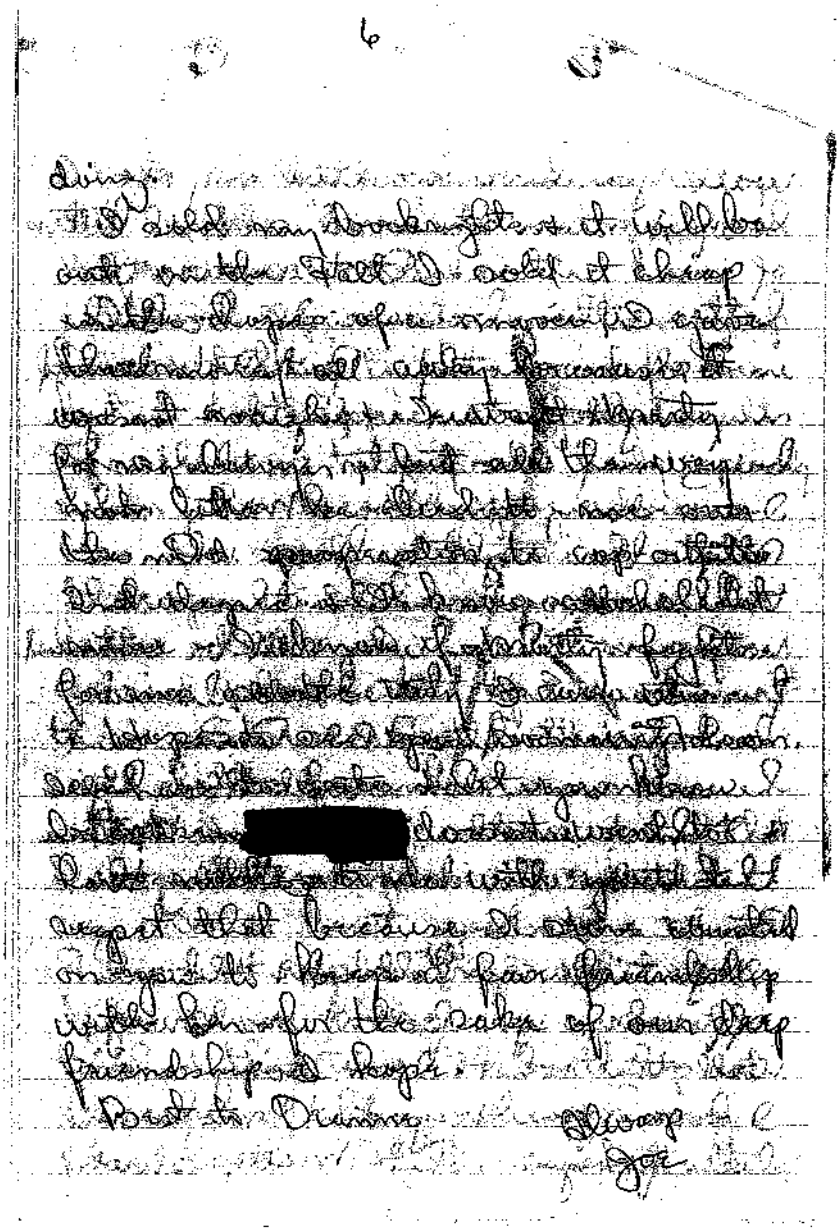
I sure appreciate you coming up here + talking to the board for me but I don't appreciate your result of silence to my ole lady especially when she needed your advice. Was in such a hysterical state that you could have answered her letter, but you have even refused several phone calls of importance to us. Everyone won't bother you as with letters from her no more.

But I declared a new trial that I was detained from 17 months ago. Or at least you come to Folsom + explain to me what will take place to secure a new trial + this time I won't cop out because of hung juries + heavy case loads. If I sound insulting



5

Well you have insulted my always
Lady & mean dishonored criminal letter
of mind either. Don't answer this
letter either because I shall be back
in Holland after this. But I shall
only accept written explanation to your
disgraceful conduct in this country.
I have during dinner at meeting that
letter after eight in hour which all
I shall be well open. Also threatened
with a letter from Lucie which I am
from Lucie last that I received
last time and I got to Paris
I will come to you that you
I shall have a letter for
[illegible]
[illegible]
[illegible]



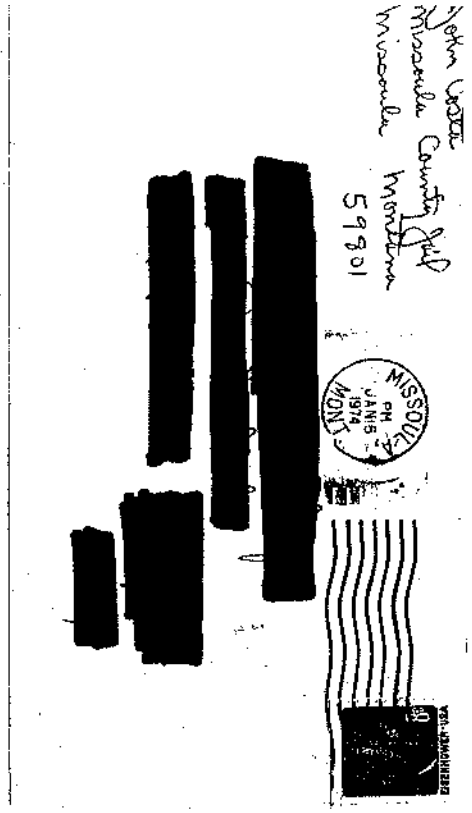

John Doe
Missoula County Jail
Missoula Montana
59801
MISSOULA
PM
JAN 5
1974
MONT.

EXHIBIT
593

Jan 14 1974
Monday

Hi My Future Wife

Tears came again for the first time since I told you about the last bad one. oh Baby, I sure needed those letter + money too. If I am here two weeks from now send another $50.00 tell you why when I see you. First last see what the Board says + then make it or not. We'll start divorce proceed. [illegible] will get married. Right On! Honey by now you got those letters concerning Israel Stone. I want you to call from Carson's office, + he can put Dinny 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 Dinny, Ted H., Israel + Stone. This is vitally important if you got the other letters I explained what to say to Carson + from him to do after all he wouldn't want to obstruct justice in a capital case! :)

too shabby I got enough for 60 more
pages + that's it, still I got more
paper. But under the circumstances
I think I have to 150 pages is
enough. Still I got that Bible that
I started Tuesday Stapled for alleged
damages attorney the continuance with
the Brooks Court I got to the Supreme
court for a writ of prohibition
Denied. Writing personal papers to Frank
Book at once. Glad to hear only couple
days in the west. Write again
Received letters from Ruth Rebekah
Ruth + Rachel. Ruth + Rachel
Ruth + Rachel. Ruth + Rachel
Ruth + Rachel. Ruth + Rachel

5

yes Baby we did it where Sausalito
is concerned, now we got Santa
Clara to contend with. Don't take
all those legal matters lightly, especially
blackie & 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
Ommy wrote you, yes he has the
most class but has super blood in
him too! Don't you dare pick at the
Federal Department, you are kooftim!
Who says the Gaget Father's have been
convicted? All they do is send one
to the Zoo for a year or two hopefully.
Lt. Stevens said he takes one back
to the River anytime & there should
be nobody there now, I know! Beautiful
thought! Hoppe never did nothing
never even saw him last I heard
he was dressed in drag in Butte! :)
You betcha we got a very strong
love! And I got the most far out
ole lady in the whole world, all
I ever wanted my life!

7

ya all is black + passing for white. I thought the cave felt kinky on the outside? HAH [illegible] you didn't upset the ole man with your letter, you told me right + after all you are Finnish! So Dinny + Ken know there is [redacted] yeh that damn Joe B found this [redacted] + she is worse than him [redacted] ☺ So anyone who answers your letters regrets it in the end, well I never did [illegible] You always write to me the way you feel up or down our love is founded + firm on truth! See Babe you are a trip learning how to rip + rebuild a Corvette engine! sigh Its so ridiculous that my little flower is rebuilding corvettes! sigh Baby you are absolutely the most intriguing woman I ever met, your always blowing my mind, I find now the secret to our love is we are both cuckoo! ☺

FD-36 (Rev. 5-22-64)

FBI

Date: 1/23/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL (Priority)

TO: DIRECTOR, FBI (92-9828)

FROM: SAC, BOSTON (92-1132)

SUBJECT: JOSEPH BARON, aka
AR

Enclosed for the information of the Bureau is a copy of a letter received by SA DENNIS M. CONDON from a female acquaintance of BARON in San Francisco, California. BARON is confined in Montana for the California authorities. Montana voted for his parole in May, 1973, but California has not rendered a decision to date.

A copy of this letter has been made available to Attorney GERALD MC DOWELL, 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. MC DOWELL and Mr. HARRINGTON had previously advised that BARON's credibility as a witness had been seriously diminished by events that have transpirted 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.

Attorney HARRINGTON advised he has no plans to contact BARON. Intentions of Rhode Island authorities not known at this time but Bureau will be kept advised.

(2) - Bureau (Encl. 1) ENCLOSURE REC-61 92-9828-41
1 - Boston CX-112
DMC:gm
(3) ENCLOSURE ATTACHED

JAN 25 1974

FBI

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

54 JAN 30 1974

U. S. GOVERNMENT PRINTING OFFICE: 1971—

EXHIBIT
594

BS 92-1132

Boston sees no useful purpose in interview of BARON 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 BARON to obtain Government support in bid for parole.

Strike Force will not consider any future prosecutions based on BARON testimony.

FD-36 (Rev. 5-22-64)

FBI

Date: 2/1/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIRMAIL (Priority)

TO: DIRECTOR, FBI

FROM: SAC, BUTTE (92-546) (RUC)

SUBJECT: CHANGED
JOSEPH BARON;
aka Joseph Costa, etc.
AR
Joseph BARBOZA
Joseph BENLEY

Title is changed to include additional alias of Joseph Costa for Subject BARON.

Re Butte airtel to Bureau, 1/29/74.

Enclosed for the information of the Bureau and receiving offices are two copies each of FD-302 setting forth detailed interview with captioned individual.

ENCLOSURE

2 - Bureau (Enc.2) (AM)
2 - Boston (92-1132) (Enc.2) (AM)
2 - San Francisco (92-2366) (Enc.2) (AM)
1 - Butte
AJFM/sdj
(7)

92-9828-48

REC. 90

[redacted]

22 FEB 4 1974

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

U.S. Government Printing Office

EXHIBIT
596

FEDERAL BUREAU OF INVESTIGATION

Date of Transcription 2/1/74

JOSEPH BARBOZA, who states he is also known as Joseph Baron and Joseph Bentley, was interviewed at his request in the Missoula County Jail, Missoula, Montana.

He stated he is being held in the Missoula County Jail in protective custody under the name Joseph Costa.

BARON advised he is a former "button" and "hit man" of the RAYMOND PATRIARCA gang that operates in the New England States. He further advised that in previous matters concerning PATRIARCA, he has furnished information under Departmental aegis to Congressional hearings concerning organized crime and in Grand Jury and trial proceedings.

He is currently completing his incarceration for a second degree murder conviction in the State of California.

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 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.

BARON stated that ROMEO MARTIN was shot and killed for the following reasons:

MARTIN furnished information to Suffolk County, Massachusetts, Detective BILLY STEWART (phonetic) concerning the shooting and death of TEDDY DEGAN. At that

1/29/74 Missoula, Montana File # BT [illegible]

SA ALBERT J. F. MURPHY, Jr./sdj Date of Transcription 2/1/74

time STEWART was in the pay of the PATRIARCA family and furnishing them police information on a day-to-day basis.

Secondly, prior to furnishing this information, MARTIN attempted to buy into and control a penny arcade located in Nantucket, Massachusetts, in which PATRIARCA was interested. He stated he does not recall the name of this arcade; however, it is along the boardwalk located between the BLUE BUNNY CLUB and DUFFY'S CLUB. This arcade, which grosses over one million dollars a year, had formerly been owned by LOUIE FOX, who died of natural causes and left it to his nephew, name unrecalled. PATRIARCA was interested in putting money into this operation, using it as a legitimate front, and MARTIN, without advising his superiors, and in turn PATRIARCA, attempted to force his way into this business.

This, coupled with MARTIN's furnishing information concerning the family to the police, brought about his death.

BARON stated that on the day MARTIN was killed, he and WILLIAM CARAWAY, who is currently incarcerated in the Barnstable County Jail, Barnstable, Massachusetts, made several phone calls setting up MARTIN, advising him that a meet was wanted between MARTIN, ROMEO CASSESSO, also known as Chico, and JOSEPH DIMICO (deceased).

BARON's assignment during this 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.

BARON stated that MARTIN was shot five times in the body and three times in the head by DIMICO and CASSESSO. The shooting occurred in a vehicle occupied by CASSESSO, DIMICO, and MARTIN, and he, BARON, witnessed the shooting.

As noted, the murder was ordered by RAYMOND PATRIARCA, and the plans for it were formulated by his lieutenants, HENRY TORTELLO (phonetic) and JERRY ANGELO (phonetic).

BARON was asked what his "price" was for furnishing this information to either Federal or local grand and pettit juries. He stated that he desires to appear before the California Board of Parole, noting that he was due to appear before this board in May, 1975, and has never appeared. Upon achieving his parole, he desires to leave the United States.

He further advised that he is aware his return to the State of California is imminent, and he stated he is fearful of being taken to Folsom Prison because, if he is, he feels he will be killed in view of the contract PATRIARCA has issued for him.

Relative to funds, BARON stated he is not seeking any money for his testimony, as he has written a book concerning "the Mafia," which is to be published by Doubleday, and he stated he co-authored this book with HANK MESSICK, a noted author, who resides at 915th Southeast 10th Street, Fort Lauderdale, Florida. He is receiving $20,000.00 for his rights to this book, and he advised that he has other monies "stashed away," which he will use to leave the country.

He further stated that he desires the above information also be furnished to Rhode Island Attorney General (NMU) ISRAEL, whom he understands is actively investigating the murder of MARTIN.

BARON stated that while PATRIARCA is imprisoned his family is being run by JERRY ANGELO, mentioned above, and it is his further understanding that PATRIARCA has indicated it and when he is released from prison he will issue a contract for ANGELO for holding out on him some of the money coming to the family during his jail term and because he has become too powerful.

He noted that PATRIARCA currently holds in order of importance the sixth position on the ten man commission overseeing organized crime in the United States and he believes, if PATRIARCA requests a contract on ANGELO, it will be granted. He personally doubts that PATRIARCA will

go through with the issuance of this contract, because of the fact ANGELO has other interests acquired outside of the family influence for which he is paying PATRIARCA approximately $2,000.00 a week. He does not believe PATRIARCA's financial position is so strong at this time that he can afford to give up these monies, as they would cease upon ANGELO's death.

BARON was informed that the interviewing Agent could only pass on his information to the Justice Department, that this would be done, and he would have to await any further contact from the Department. He did note that [illegible], mentioned above, is also willing to furnish testimony concerning the death of [illegible].

FBI

Date: 1/29/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIRMAIL (Priority)

TO: DIRECTOR, FBI

FROM: SAC, BUTTE (92-546)

SUBJECT: JOSEPH BARON, aka
AR

For information Bureau and receiving offices, BARON currently held Missoula County Jail, Missoula, Montana, under name JOSEPH COSTA, after having become involved in altercation with guard while at Montana State Prison, Deer Lodge, Montana.

According to Undersheriff, Missoula, California returning BARON in immediate future to a California prison.

On 1/29/74, BARON requested contact with BuAgent and advised he is willing to furnish information concerning July, 1966, murder of ROMEO MARTIN. States murder ordered by RAYMOND PATRIARCA and his lieutenant, HENRY TURMALLO. Participating in the murder were JERRY ANGELO, RONALD CASSESSO, and JOSEPH DIMICO (deceased), all of the PATRIARCA family.

BARON states he drove back-up unit and witnessed murder, MARTIN being shot by CASSESSO and DIMICO. Prior to murder, BARON made phone call setting up meet with MARTIN, and prior to his call WILLIAM GARROWAY, who is presently confined Barnstable County Jail, Massachusetts, made preliminary phone calls.

92-2828-415

12

FEB 6 1974

(2) - Bureau (AM)
2 - Boston (92-1132)(AM)
2 - San Francisco (92-2366)(AM)
2 - Butte
AJFM/sdj
(8)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U.S. Government Printing Office: 1972 — 455-574

54 FEB

BT #92-546

GARROWAY also willing to testify.

BARON was asked what he expected for his testimony, and he stated he has received word family has $100,000.00 contract out on him and, when returned to California if he is housed in Folsom Prison, he feels he will be killed. Further states he is due to appear before California Parole Board and, if paroled, all he desires is opportunity to leave country. Advises has written book concerning "Mafia," which will be published by Doubleday and is receiving $20,000.00, which he will use to leave country.

He requested that in addition to FBI, Rhode Island Attorney General (FNU) ISRAEL be advised of above information as ISRAEL still investigating MARTIN's murder.

Bureau and Boston requested to advise Butte any further details desired from BARON, together with circumstances surrounding MARTIN's murder so that interview may be intelligently conducted.

FD-36 (Rev. 5-22-64)

FBI

Date: 2/12/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIRMAIL (Priority)

TO: DIRECTOR, FBI (92-9828)

FROM: SAC, BUTTE (92-546) (RUC)

SUBJECT: JOSEPH BARON, aka
Joseph Barboza,
Joseph Bentley,
Joseph Costa
AR

Re Boston airtel to Bureau, 2/5/74, a copy of which is enclosed for the Sacramento Office.

On 2/12/74, Warden ROGER CRIST, Montana State Prison, Deer Lodge, Montana, said BARON was removed from the State of Montana to California on or about 2/1/74 [redacted]

He has received no information where BARON was to be confined in California.

[redacted]

"J" Title 18 U. S. C.
Section 3521 (b) (1) (G)

2 - Bureau (AM)
2 - Sacramento (Enc.1) (AM)
1 - Boston (92-1132) (Info) (AM)
1 - San Francisco (92-2366) (Info) (AM)
1 - Butte
HAV/sdj
(7)

EX-109

REC-18 92-9828-42

FEB 15 1974

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U.S Government Printing Office: 1972 — 455-574

FD-36 (Rev. 5-22-64)

FBI

Date: 2/19/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (92-9828)

FROM: SAC, BOSTON (92-1132) (P)

RE: JOSEPH BARON, aka
AR

Re Bureau airtel 2/11/74.

For the information of the Bureau and San Francisco, an Assistant District Attorney from Norfolk County, Dedham, Mass., and Lt. Det. JOHN REGAN, Mass. State Police, were to contact BARON in California on 2/15/74. They are attempting to obtain from BARON information and possible testimony from him against WILLIAM GERROWAY. GERROWAY is to be retried for the murder of one DAVID SIDLAUSKAS. This conviction had been overturned because of a conflict of interest on the part of his attorneys. They feel GERROWAY may have discussed the SIDLAUSKAS murder with BARON while both were confined at Mass. Correctional Institution, Walpole, Mass.

EX-111 REC-8 92-9828-47

Enclosed herewith are four copies for the Bureau and information copy for San Francisco of an LHM.

ENCLOSURE 1 c/c airtel & encl D&D SID

2 - Bureau (Encl. 4)
1 - San Francisco (92-2366) (Encl. 1) (info)
2 - Boston
DMC:gm
(5)

2 enc to Justice Dept. (Asst Atty Genl Cr. Div) by 6-6 c/s
2/26/74
RFH : vjp

17 FEB 21 1974

Approved: _____ Special Agent in Charge Sent _____ M Per _____

56 MAR 4 1974

U.S. Government Printing Office: 1972 — 455-574

EXHIBIT 597

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to File No.*

Boston, Massachusetts

February 19, 1974

JOSEPH BARON, also known as
Joseph Barboza,
Joseph Bentley,
Joseph Costa

On January 29, 1974, Joseph Baron furnished information to the Butte Office of the Federal Bureau of Investigation relative to the murder of Romeo Martin in the Boston, Massachusetts area in July, 1965.

This murder took place prior to Baron's debriefing and his testimony on other organized crime matters during 1967 and 1968 and Baron did not furnish information regarding the Martin murder at this time.

Strike Force Head Gerald McDowell, Boston, Massachusetts, and Justice Department officials have previously indicated they would not proceed with Baron as a major witness in future prosecutions as his credibility has been diminished by events since 1968. Mr. McDowell additionally points out that the statute would have run on any Federal violation concerned with the Martin murder in 1965.

Attorney General Richard Israel, Rhode Island, advised Mr. McDowell he would not proceed on any future prosecutions with Baron as a major witness and there is no known venue in Rhode Island.

District Attorney Garrett Byrne, Suffolk County, under whose jurisdiction the Romeo Martin murder case is, advised he would not proceed with Baron as a major witness in future prosecutions as happenings since 1968 have detracted from his value as a witness. He points out Gerroway is regarded as a pathological liar and any testimony from him would be most suspect.

92-9828-47

BEST COPY

ENCLOSURE

District Attorney Byrne does not want Baron advised of his opinion as he does not want to completely alienate him. He feels that the organization may continue its efforts to overturn previous convictions where Baron testified and it may become necessary to use Baron to combat this.

Baron's information regarding Martin may be brought up at this time as another effort to obtain support in his bid for parole.

By way of background information, Joseph Baron was developed as a Government witness in March-April, 1967. His testimony in the U. S. District Court, Boston, Massachusetts, resulted in the conviction of LCN Boss Raymond Patriarca, LCN Top Lt. Henry Tameleo and LCN member Ronald Cassesso for Interstate Transportation in Aid of Racketeering - Gambling in March, 1968. His testimony in Suffolk County Superior Court, Boston, Massachusetts, in July, 1968, resulted in the conviction of the above-mentioned Tameleo and Cassesso, as well as Top LCN Lt. Peter Limone, LCN Louis Grieco, Joseph Salvati and Roy French on murder charges. All of the foregoing are still confined.

Baron was re-located by the U. S. Government in California. Unknown to Government officials he returned to the Boston, Massachusetts area where he was arrested on gun charges and for possession of marijuana. He was confined at Massachusetts Correctional Institution, Walpole, Massachusetts, as a result of this arrest. Just prior to this arrest, he was in contact with well-known attorney F. Lee Bailey and allegedly indicated to Bailey he would recant his testimony which resulted in the aforementioned convictions for $250,000. He also met with an associate of Raymond Patriarca in connection with this same possible recantation.

While in custody at MCI, Walpole, he was quartered near one William Gerroway. On information supplied by Gerroway California authorities discovered the body of one Clay Wilson buried in Sonoma County. Baron pled guilty to second degree murder and received a sentence of five years to life in December, 1971. Reliable informant information indicated that Baron never did tell Gerroway about the murder in California as Gerroway had claimed. Baron discussed it with one Herbert Jesus, a close associate. Jesus, who was endangered of being eliminated by the organization because of his association with Baron, told them about the murder and they, in turn, arranged for Gerroway to furnish the information to authorities as though it came to him directly from Baron.

Prior to his removal to California, although Baron indicated he might recant his testimony, he never carried out this threat. However, Gerroway, who testified against Baron in California, also furnished many affidavits to defense lawyers for those convicted on Baron's testimony in an effort to upset the convictions. These affidavits by Gerroway alleged that Baron told him he, Baron, had lied in the earlier prosecutions set forth herein.

Baron was sent to Montana for his safety by California authorities after he testified before Senator Peppers' Committee in Washington, D.C. In approximately May, 1973, Montana voted for Baron's parole and California authorities are holding the matter in abeyance.

In early February, 1974, Baron was transferred back to California from Montana after striking a prison guard.

This memorandum 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.

Feb 2 1974
Sat.

Dear Kathy,

I am in San Quentin A.C. 2
I wish to see you immediately if
possible before I leave.

Joe Bentley

P.S. I am suppose to see the Parole Board
within a month I am hoping Marty + you
will make arrangements to be present
at the hearing.

airtel

2-11-74

To: SACs, Butte (92-546)
Boston (92-1132)
REC-90
From: Director, FBI (92-9828) — 44

JOSEPH BARON, aka
AR

Re Butte airtels to Bureau 1-29 and 2-1-74 and Boston airtel to Bureau dated 2-5-74.

Bureau concurs fully with Boston's suggestion set forth in last paragraph of referenced Boston airtel.

Due to the fact it is likely Baron might contact the Justice Department, Butte and Boston will incorporate information in your referenced communications in a letterhead memorandum suitable for dissemination to the Department.

NOTE: Joseph Baron, a former hit man of the New England LCN, was developed as a Government witness in 1967. He was relocated by the U.S. Government in California, but unknown to Government officials, he returned to the Boston area where he was arrested on gun and narcotic charges. It was later ascertained that he had murdered an individual in California and in December, 1971, he was sentenced to five years to life. He was eventually sent to Montana for his safety by California authorities and in May, 1973, Montana voted for Baron's parole and California authorities are holding the matter in abeyance. 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 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 Gerroway, 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.

RFH:bam
(6)

FEB 2
MAIL ROOM ☐ TELETYPE UNIT ☐

EXHIBIT
598

FBI

Date: 3/28/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIRMAIL (Priority)

TO: DIRECTOR, FBI (92-9828)

FROM: SAC, SAN FRANCISCO (92-2061) (RUC)

SUBJECT: JOSEPH BARON, aka
Joseph Barboza,
Joseph Bentley,
Joseph Costa
AR

Re Sacramento airtel to Bureau dated 3/15/74 and Boston airtel to Bureau dated 2/5/74.

For the information of the Bureau and receiving offices on 2/13/74 Lieutenant JOHN S. REGAN, Massachusetts State Police, contacted San Francisco Office and advised that he was then at St. Francis Hotel, San Francisco, along with RICHARD HOFFMAN, Assistant District Attorney, Norfolk Complex, Massachusetts, and that they were here for the purpose of conducting an interview of Subject who was then an inmate at San Quentin Prison. Appropriate arrangements were made with prison authorities for Mr. HOFFMAN and Lieutenant REGAN to conduct their interview with Subject at San Quentin Prison on 2/14/74.

BILL SCHILLER, Records Room, San Quentin Prison, advised on 2/15/74 that Mr. HOFFMAN and Lieutenant REGAN did on 2/14/74 have an interview with Subject and noted that Subject is in San Quentin Prison under the name of JOSEPH BENTLEY and has California Adult Authority file number B38509.

REC-47 92-9828-50

EX-116 8 MAR 30 1974

(2) - Bureau
1 - Boston (92-1132) (Info)
1 - Sacramento (92-829)
2 - San Francisco
CBG:llh
(6)

Approved: _____ Special Agent in Charge Sent _____ M Per _____

DO APR 15 1974

U.S. Government Printing Office

EXHIBIT 599

SF 92-2061
CEG:llh

Mr. SCHILLER advised that the Subject was in the process of being moved to Folsom Prison and that the prison authorities were trying to keep the true identity of Subject confidential. On 3/21/74 BILL SCHILLER advised that Subject was still under transfer to Folsom Prison and the exact date of his removal from San Quentin to Folsom was not known.

In view of the foregoing, the San Francisco Office does not feel that further interview of Subject is warranted at this time. Accordingly, UACB Subject will not be recontacted.

FD-36 (Rev. 5-22-64)

FBI

Date: 2/19/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (92-9828)

FROM: SAC, BOSTON (92-1132) (P)

RE: JOSEPH BARON, aka
AR

Re Bureau airtel 2/11/74.

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EX-111 REC-92 - 9828 - 4

Enclosed herewith are four copies for the Bureau and information copy for San Francisco of an LHM.

ENCLOSURE 1c/c airtel + encl D+D SID

2 - Bureau (Encl. 4)
1 - San Francisco (92-2366) (Encl. 1) (info)
2 - Boston
DMC:gm
(5)

2 enc. to Justice Dept. (Asst Atty Gen'l C. Dir)
by 6-6 c/s
2/26/74
RFH : RJP

17 FEB 21 1974

NINE

Approved: _____ Special Agent in Charge

Sent _____ M Per _____

U.S. Government Printing Office

50 MAR 4 1974

EXHIBIT
600

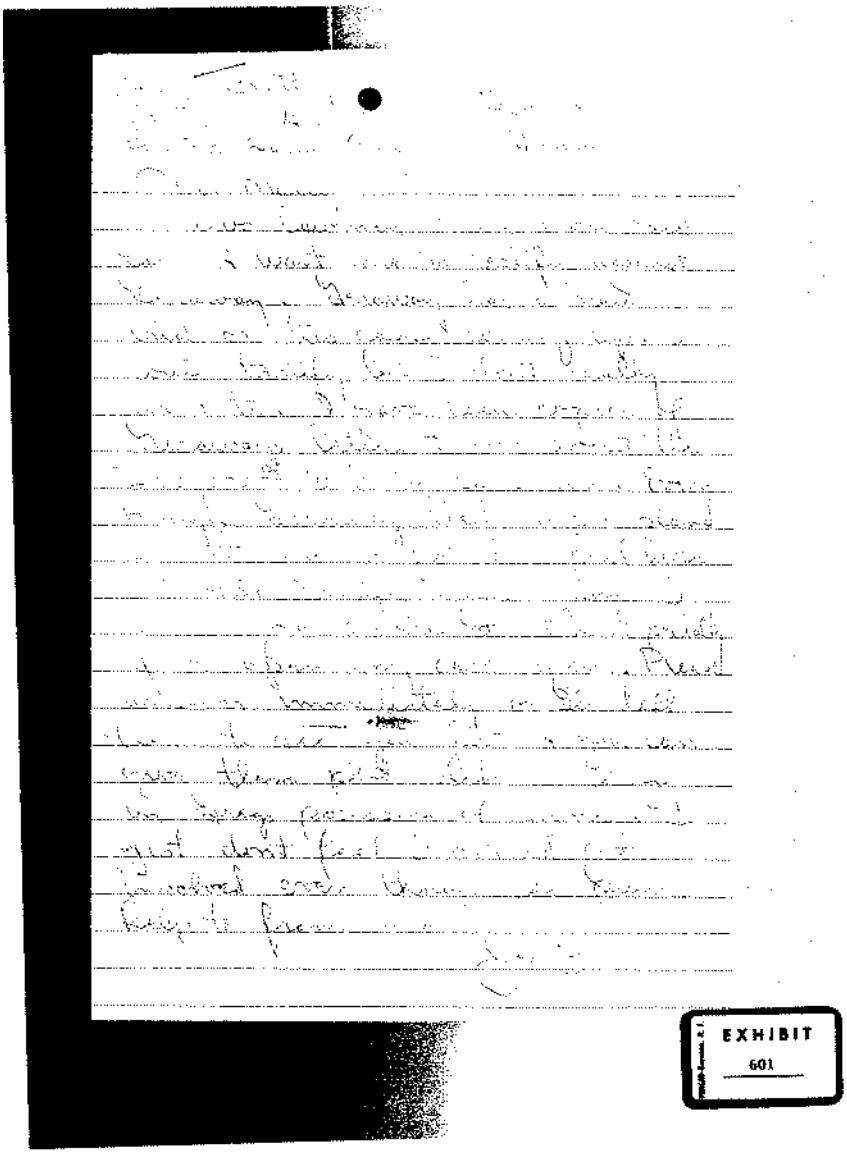


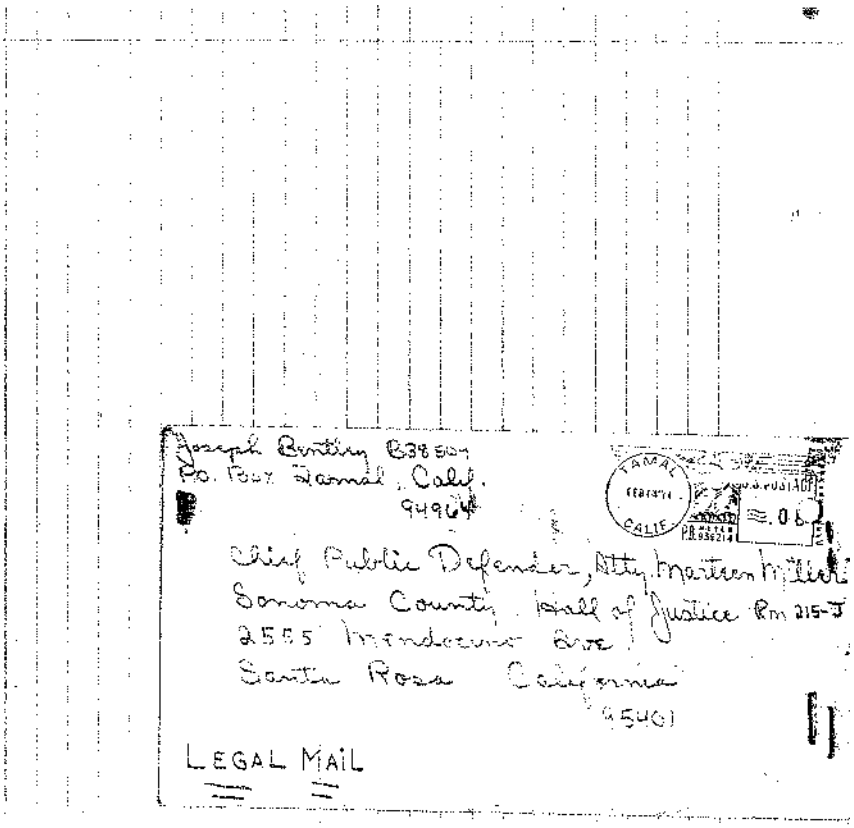
EXHIBIT
601

Joseph Bentley B38504
P.O. Box Tamal, Calif.
94964

TAMAL CALIF. FEBRUARY U.S. POSTAGE .06

Chief Public Defender, Atty. Marteen Miller
Sonoma County Hall of Justice Rm 215-J
2555 Mendocino Ave
Santa Rosa California
95401

LEGAL MAIL



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Boston, Massachusetts

February 19, 1974

JOSEPH BARON, also known as
Joseph Barboza,
Joseph Bentley,
Joseph Costa

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92-9828-47

BEST COPY

ENCLOSURE

EXHIBIT
602

District Attorney Byrne does not want Baron advised of his opinion as he does not want to completely alienate him. He feels that the organization may continue its efforts to overturn previous convictions where Baron testified and it may become necessary to use Baron to combat this.

Baron's information regarding Martin may be brought up at this time as another effort to obtain support in his bid for parole.

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Baron was sent to Montana for his safety by California authorities after he testified before Senator Peppers' Committee in Washington, D.C. In approximately May, 1973, Montana voted for Baron's parole and California authorities are holding the matter in abeyance.

In early February, 1974, Baron was transferred back to California from Montana after striking a prison guard.

This memorandum 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-36 (Rev. 5-22-64)

FBI

Date: 2/19/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (92-9828)

FROM: SAC, BOSTON (92-1132) (P)

RE: JOSEPH BARON, aka
AR

Re Bureau airtel 2/11/74.

For the information of the Bureau and San Francisco, an Assistant District Attorney from Norfolk County, Dedham, Mass., and Lt. Det. JOHN REGAN, Mass. State Police, were to contact BARON in California on 2/15/74. They are attempting to obtain from BARON information and possible testimony from him against WILLIAM GERROWAY. GERROWAY is to be retried for the murder of one DAVID SIDLAUSKAS. This conviction had been overturned because of a conflict of interest on the part of his attorneys. They feel GERROWAY may have discussed the SIDLAUSKAS murder with BARON while both were confined at Mass. Correctional Institution, Walpole, Mass.

EX-111 REC-2 92-9828-4

Enclosed herewith are four copies for the Bureau and information copy for San Francisco of an LHM.

ENCLOSURE 1c/c airtel & encl D&D SID

2 - Bureau (Encl. 4)
1 - San Francisco (92-2366) (Encl. 1) (info)
2 - Boston
DMC:gm
(5)

2 enc to Justice Dept. (Assistant Genl Cr. Div)
by 2-6 c/s
2/26/74
PFH : vjp

17 FEB 21 1974

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

50 MAR 4 1974

U.S. Government Printing Office

EXHIBIT
603

FD-36 (Rev. 5-22-64)

FBI

Date: 3/15/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL (Priority)

Assoc. Dir.
Dep.-A.D.-Adm.
Dep.-A.D.-Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

TO : DIRECTOR, FBI (92-9828)

FROM : SAC, SACRAMENTO (92-829) (RUC)

SUBJECT: JOSEPH BARON, aka
Joseph Barboza,
Joseph Bentley,
Joseph Costa
AR

"J" Title 18 U. S. C.
Section 3521 (b) (1) (G)

Re Butte airtel to the Bureau dated 2/12/74, and Boston airtel to the Bureau, 2/5/74.

On 2/20/74, [redacted] revealed the subject is currently incarcerated in San Quentin State Prison, Marin County, California. [redacted] anticipated BARON would be transferred from San Quentin to Folsom State Prison by the end of February or first of March, 1974.

[redacted]

(2) - Bureau 1 - CID SID
1 - Boston (92-1132) (Info)
1 - Butte (92-546) (Info)
2 - San Francisco (92-2366)
1 - Sacramento
GRA:smd
(7)

"J" Title 18 U. S. C.
Section 3521 (b) (1) (G)

REC-47 92-9828-49 SI-116

RECEIVED - INDEXED

18 MAR 19 1974

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

51 MAR 25 1974

U.S. Government Printing Office

[redacted]

SC 92-829

On 3/8/74, [redacted] revealed the subject had not been transferred to Folsom Prison by that date.

Due to the sensitivity and possible urgency in this matter, it is recommended that the San Francisco Office make discreet contact with trusted prison official to obtain location of subject and possible interview.

LEADS

"J" Title 18 U. S. C. Section 3521 (b) (1) (G)

SAN FRANCISCO

AT SAN QUENTIN STATE PRISON: Will contact logical authorities concerning possible interview with JOSEPH BENTLEY, CAA #838509. San Francisco will contact subject relative to request made in referenced Boston airtel of 2/5/74.

Due to the fact all logical leads in Sacramento Division have been covered, this case is being RUC'd.

FD-36 (Rev. 5-22-64)

FBI

Date: 3/28/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL AIRMAIL (Priority)

TO: DIRECTOR, FBI (92-9828)

FROM: SAC, SAN FRANCISCO (92-2061) (RUC)

SUBJECT: JOSEPH BARON, aka
Joseph Barboza,
Joseph Bentley,
Joseph Costa
AR

Re Sacramento airtel to Bureau dated 3/15/74 and Boston airtel to Bureau dated 2/5/74.

For the information of the Bureau and receiving offices on 2/13/74 Lieutenant JOHN S. REGAN, Massachusetts State Police, contacted San Francisco Office and advised that he was then at St. Francis Hotel, San Francisco, along with RICHARD HOFFMAN, Assistant District Attorney, Norfolk Complex, Massachusetts, and that they were here for the purpose of conducting an interview of Subject who was then an inmate at San Quentin Prison. Appropriate arrangements were made with prison authorities for Mr. HOFFMAN and Lieutenant REGAN to conduct their interview with Subject at San Quentin Prison on 2/14/74.

BILL SCHILLER, Records Room, San Quentin Prison, advised on 2/15/74 that Mr. HOFFMAN and Lieutenant REGAN did on 2/14/74 have an interview with Subject and noted that Subject is in San Quentin Prison under the name of JOSEPH BENTLEY and has California Adult Authority file number B38509.

REC-47 92-9828-30

(2)- Bureau
1 - Boston (92-1132) (Info)
1 - Sacramento (92-829)
2 - San Francisco
CEG:llh
(6)

EX-118 8 MAR 30 1974

FBI

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

5 APR 15 1974

U.S. Government Printing Office 1972 — 455-574

SF 92-2061
CEG:llh

Mr. SCHILLER advised that the Subject was in the process of being moved to Folsom Prison and that the prison authorities were trying to keep the true identity of Subject confidential. On 3/21/74 BILL SCHILLER advised that Subject was still under transfer to Folsom Prison and the exact date of his removal from San Quentin to Folsom was not known.

In view of the foregoing, the San Francisco Office does not feel that further interview of Subject is warranted at this time. Accordingly, UACB Subject will not be recontacted.

Jerry Dewey 138507
P. Box Tamal, Calif 94960
Mar 22 1974 Fri 2 AC4

Hi Grey,

I hope I see you soon. Listen I had this thought, ask Marty what he thinks? Show Judge Murphy, Geraway's letter & with Hughes proved a bear & the statement of Jerry's interest in the Stocks shows the Mafia influence. That rather go through a new trial, why can't with this knowledge Judge Murphy write a letter of recommendation for parole for me.

Also from the University of Calif they wrote QUESTION ONE: California Evidence Code § 761 states that cross-examination shall be upon a matter with in scope of direct examination. Direct examination is the first examination of the witness. In your case this would apply. Matters outside direct cannot be asked on cross-examination.

This concerns the veal of redalin forged & not allowed by Judge Murphy secured June 15th when Dee said "no more drugs on June 1st".

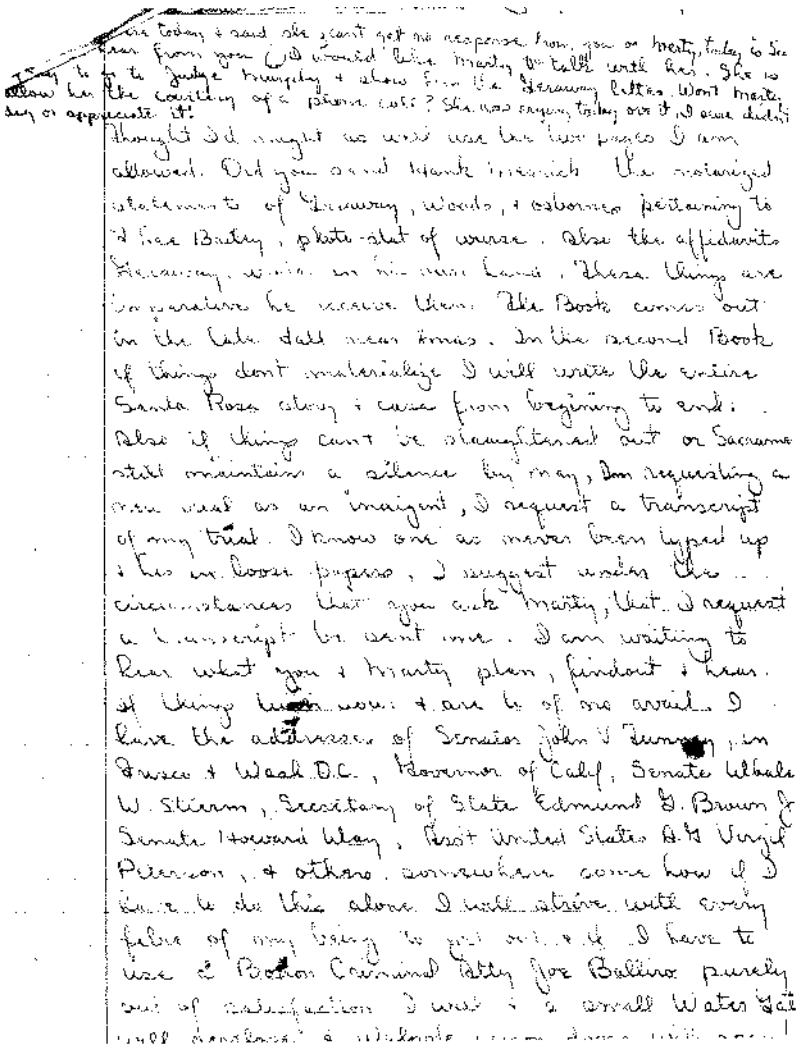
Grey I am fighting for my life through you & Marty, I am shell shocked from all this silence & getting no where. In May if things dont materialize I will pursue a new trial, Geraway is an aide now, Hughes won't even come because he lied. So there is only Dee & Paulette. And this time I have Roy Bedell who interrogated

EXHIBIT 605

But Mr. Spangler is the man that as convinced.
Also can you send the clipping "To Late For Baron"
Geraway + other witnesses. Also Dinny + Ricco will open up more, + Fitzgerald will demand to say more.
Grey, Marty, what would you do if you were me? You'd fight + do all you could.
Please help me, I implore your aide to go to Sacramento like you promised.
Please send me photo stats of the April 15t certificate of Action of the Adult Authority when they requested Montana hear my case, also Charlie Dawson's recommendations for Parole. + Judge Murphys statement in his letter if it was in his power he would give me the Jail time, with Mr Hull's reply that in view of the Judges attitude the parole board would consider very highly + seriously my jail waiting time.
Tell Judge Murphy I dont want a new trial, all I want is a parole, + I dont want to cost the State twice as much as the 1st trial because thats what it will cost.
When will you come to see me, or Marty?
Until a better day, my best to Marty.

I told [redacted] to send you the letter of the A C committee here + Mr Schaubel classification Staff

Always
Joe B



[illegible] today & said she cant get no response from you or Marty, today is Sa[illegible] hear from you (I would like Marty to talk with her. She is [illegible] to go to Judge Murphy & show him the Gerawey letter. Won't Marty allow her the courtesy of a phone call? She was crying today over it, I sure didn't say or appreciate it!

Thought I'd might as well use the two pages I am allowed. Did you send Hank Mesrick the notarized statements of Gerawey, Woods, & osbornes pertaining to Thee Bailey, photo-stat of worse. Also the affidavits Gerawey, wrote in his own hand. These things are imperative he receive them. The Book comes out in the late Fall near Xmas. In the second Book if things dont materialize I will write the entire Santa Rosa story & case from begining to end. Also if things cant be straightened out or Sacramento still maintains a silence by May, I'm requesting a new trial as an indigent, I request a transcript of my trial. I know one as never been typed up & his in loose papers, I suggest under the circumstances that you ask Marty, that I request a transcript be sent me. I am waiting to hear what you & Marty plan, findout & hear. If things [illegible] & are to of no avail. I have the addresses of Senator John V Tunney, in Frisco & Wash D.C., Governor of Calif, Senate Whale W. Stierm, Secretary of State Edmund G. Brown Jr Senate Howard Way, Asst United States A.G. Virgil Peterson, & others somewhere some how if I have to do this alone I will strive with every fibre of my being to get out & if I have to use a Boston Criminal Atty Joe Balliro purely out of satisfaction I will & a small Water Gate will [illegible] & [illegible]

[illegible] I love you as a friend + I hope Marty will → raise the [illegible] I once had in him.

I am shell shocked from breechs of security perpetrated by the Dept of Correction in Montana with bullets + a gun in there after the new release blowing my cover + I feel things ha culminated into mental damages that a million dollar law suit + release is the least where Compensatory damages are awarde to compensate a person for another wrongful act. Exemplary damages or punitive damages are imposed upon a person or people who has injured another under circumstances of deliberate wrong doing or oppression. Such damages are awarded as a means of punishing the wrongdoers + selling an example to others who might be tempted to do the same thing.

Enough as accumulated that I feel all this has occurred.

All I want is a parole + —— all the other hassle, but if the others are my only other avenue, then I am ready + prepared to begin.

You + Marty, if you were me would do the same thing! I need you + Marty so bad, + I hold Marty, to his promise to me when he said he would help all the way if I accepted the O.A.'s offer.

Always
Joe

Please let me hear from you + Marty.

Wrote Lucman [illegible] of the Adult authority 210 page letter

i.c. To [redacted]

JOSEPH BARON

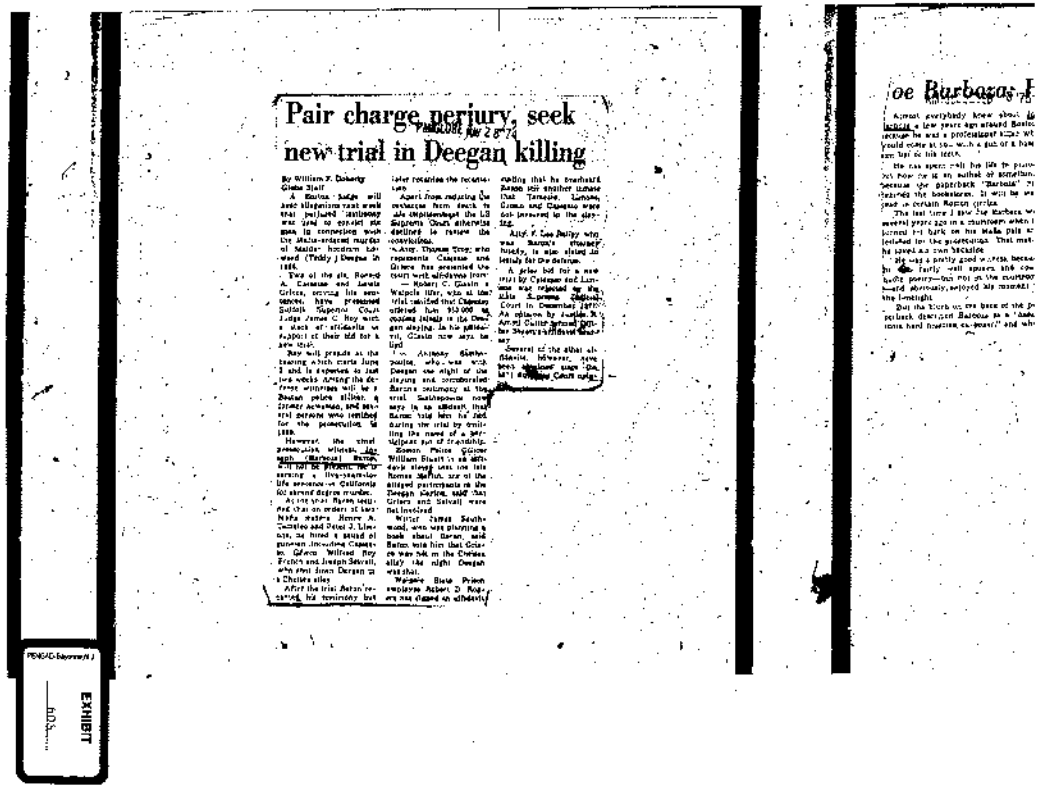
"J" Title 18 U.S.C. Section 3521 (b) (1) (G)

Barboza under the name of Bentley to San Quentin State Penitentiary in Marin County, California. Evans further related to Baier that Barboza has recently been transferred to Folsom State Penitentiary and there has received reason to believe that his life is in danger.

Baier stated that at first he doubted the information which had been given to him by Evans but subsequently contacted the FBI to determine if indeed Barboza had been helpful as a prosecution witness.

Baier is of the opinion that if Barboza has been a Government witness that [redacted] whereby Barboza could be transferred to a different location. Baier is also under the impression that if Barboza's identity has been determined by other inmates, it is probably because Barboza has been talking too much. Baier advised he has not contacted anyone other than the Sacramento Division of the FBI.

Special Agent Baier advised in the event the Federal Government is interested in making different arrangements for Barboza, [redacted]



# Pair charge perjury, seek new trial in Deegan killing

Pasadena Star 2-8-74

By William F. Doherty
Globe Staff

A Bostonian Judge will hear allegations next week that perjured testimony was used to convict six men in connection with the Mafia-ordered murder of Boston hoodlum Edward (Teddy) Deegan in 1965.

Two of the six, Roland A. Carraway and Louis Greco, serving life sentences, have presented Suffolk Superior Court Judge James C. Roy with affidavits of alibi witnesses in support of their bid for a new trial.

Roy will preside at the hearing which starts June 3 and is expected to last two weeks. Among the defense witnesses will be a Boston police officer, a former policeman, and several persons who testified for the prosecution in 1968.

However, the chief prosecution witness, Joseph (Barboza) Baron, will not be present. He is serving a life-sentence-to-life sentence in California for second degree murder.

Accused by Baron testimony that on orders of boss Mafia matron Henry A. Tameleo and Peter J. Limone, he hired a squad of gunmen including Carraway, Greco, Wilfred Roy Fratto and Joseph Salvati, who shot down Deegan in a Chelsea alley.

After the trial Baron recanted his testimony but later retracted the recantation.

Apart from ordering the witnesses from Ohio to Massachusetts the US Supreme Court otherwise declined to review the convictions.

Atty. Thomas Troy, who represents Carraway and Greco has presented the court with affidavits from — Robert C. Gaslin a Walpole liter, who at the trial testified that Carraway offered him $10,000 to murder Salvati in the Deegan slaying. In his affidavit, Gaslin now says he lied.

Anthony Stathopoulos, who was with Deegan the night of the slaying and corroborated Baron's testimony at the trial, Stathopoulos now says in an affidavit, that Baron told him he lied during the trial by telling the need of a perjured pair of friendship.

Boston Police Officer William Stuart in an affidavit stated that the late Romeo Melfah, one of the alleged perpetrators of the Deegan slaying, said that Greco and 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.

Walpole State Prison employee Albert D. Rogers was named in affidavits stating that he overheard Baron tell another inmate that Tameleo, Limone, Gemma and Carraway were not involved in the slaying.

Atty. F. Lee Bailey who was Baron's attorney briefly, is also acting in behalf for the defense.

A prior bid for a new trial by Carraway and Limone was rejected by the late S. Supreme Judicial Court in December 1970. An opinion by Justice R. Arnold Cutter upheld earlier Superi[illegible] Court rulings.

Several of the alibi affidavits, however, [illegible] since the 1971 [illegible] Court ruling.

## oe Barbosa's F

Almost everybody knew about Joe Barboza a few years ago around Boston, except he was a protected witness who would come at you with a gun or a knife and try to kill you.

He can spend the rest of his life in prison now for all my author of somethin... because the paperback "Barboza" [illegible] the bookstores. It will be re[illegible] in certain Mafia circles.

The last time I saw Joe Barboza was several years ago in a courtroom where I [illegible] him on his Mafia past as [illegible] for the prosecution. That meeting saved a man his life.

He was a pretty good witness because he [illegible] fairly well spoken and [illegible] poise—for one of the toughest [illegible] ever to step foot in the courtroom. He obviously enjoyed his moment in the limelight.

But the truth was Joe Barboza was a [illegible] gangland Boston as a "made" man, a [illegible] hard-hitting, ex-pound," and wh[illegible]

PENSAD-Bayonne, N.J.
EXHIBIT
603

Box B38509
Represa, Calif. 95671
June 4 1974 Tues

Hi Bruce

Well I saw the parole board & I got turned down. So are we ready to do what we should have did two years ago?

If it is at all possible to get here up here & all me what is happening or intended, I would appreciate it.

Always
Joe B



MAILED
MAY 30 1974
AT SANTA ROSA, CA.

JUDGE JOSEPH P. MURPHY, JR.
Superior Court - Department Four
Hall of Justice
2555 Mendocino Avenue
Santa Rosa, California 95401
Telephone: (707) 527-2451

FILED
MAY 30 1974
EUGENE B. WILLIAMS, Co. Clerk
ANTONIA WELTON

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SONOMA

PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,
v.
JOSEPH BENTLEY aka JOSEPH BARBER aka JOSEPH RAMON BARBOSA, AKA JOSEPH BARBOSA RAMON,
Defendant.

No. 6467-C

ORDER DISMISSING MOTION FOR PRETRIAL JAIL TIME CREDIT

Defendant has filed a motion to receive credit on his sentence for presentence jail time served. He urges the applicability of In re Young, 32 C. A. 3d 68.

The Court dismisses the motion, it being without jurisdiction to entertain the same. A recent decision, People v. Martinez, 36 C.A. 3d 786, at 795, holds that such a motion must be made in the county of confinement, rather than in the court which imposed sentence. This Court being without jurisdiction, the motion is dismissed.

DATED: May 29, 1974.

JOSEPH P. MURPHY, JR.
Judge of the Superior Court

Marty
What do I do now? He acts just like the trial!

FD-36 (Rev. 5-22-64)

FBI

Date: 7/17/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO : DIRECTOR, FBI (92-9828)
ATTN: SUPERVISOR WILLIAM A. HARWOOD
ROOM 1335, SPECIAL INVESTIGATIVE DIVISION

FROM : SAC, SACRAMENTO (92-829) (C)

SUBJECT: JOSEPH BARON, aka
AR
OO: Sacramento

Re Sacramento nitel to the Bureau, 7/8/74.

Enclosed for the Bureau are four copies of an LHM reflecting information regarding subject.

EX-105

REC 22 92-9828-51

21 JUL 19 1974

2 - Bureau (Enc. ENCLOSURE)
2 - Sacramento
(1 - [redacted])
GRA:smd
(4)

Approved: _____ Special Agent in Charge Sent _____ M Per _____

60 AUG 5 1974

U.S. Government Printing Office: 1972 — 455

EXHIBIT
608

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to File No.*

Sacramento, California
July 17, 1974

JOSEPH BARON,
also known as
Joseph Barboza,
Joseph Bentley,
Joseph Costa

On July 10, 1974, Ted Baier, Special Agent, California Bureau of Identification and Investigation, Sacramento, California, advised that he received a telephone call on June 19, 1974, from an attorney whose first name Baier did not recall but whose last name was Evans who is a public defender in Sonoma County, California. Evans advised that through a friend of a friend who is currently incarcerated at Folsom State Penitentiary in Folsom, California, he had received a note stating for him to contact Special Agent Baier and tell Baier that Joseph Bentley, whose true name is Joseph Barboza, is currently in the maximum security ward at Folsom State Penitentiary and is in fear for his life. Evans subsequently advised Baier that Barboza was a witness for the Federal Government and had testified against Mafia figures in the New England area of the United States. Barboza subsequently was transferred to California on a witness protection program where he ultimately became involved in a situation in which he killed a man. Barboza was then tried and convicted for murder and subsequently sent to a Wyoming prison. After his true identity had been obtained by outside individuals while incarcerated in Wyoming, the Federal Government subsequently transferred

92-9828-51

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.

ENCLOSURE

[redacted] Nov. 13, 1912 Monday

Hi My Baby,

Received your Nov 8th le[redacted] I sure sure needed your letter very very bad today. Honestly Honey from early this morning I kept looking at my watch every 15 minutes or ½ hour & figuring how many more hours left till 430 to get your letter. It terrible! I sure miss you, need you & love you so much! Well thank God, about the Greek!! At least we finally got one decent break! He ought to be so terribly ashamed of himself for putting "Jo especially" what he put her through. His promise to her is worthless, you'll see. So you haven't gotten my belongings yet that I sent you. Well you will & please list what was sent you, I have my reasons. Give the Greek back his electric razor, I never used it. Give the pants & white shirt to some stumble bum, Folsom gave me those to wear! Blah Keep the yellow jacket & blue one. Here is a clipping my brother sent me, I am inserting the clipping with this letter. So Patterson doesn't have no more guard like I said "he is making alot of little games up." We'll see Honey, we'll see? I did not send Bob B. a blistering letter, all I did was tell him that I want a clause inserted in the Contract about the 10% he received additional in place of the literary would be voided if he didn't live up to the literary agents job. Do you know that you confuse me in this matter entirely! I wish everybody would make up their minds!! All kinds of stories I've been told, everybody is reading my Book that I haven't read, its gone to DoubleDay without me reading it for a bid, Patterson is playing games & thats all I am told for the present, but will be told later, then yo

now say Bob B. don't deserve that letter [redacted] you can't
urn hot & cold then hot again, not in a deal like this.
ell me if I choose to send Bob B a blistering letter
why shouldn't I after letting Bob P & Bob B. himself
lowing that Book to go before Double Day without me
eeing. I think some where along the line I have a
oice in the matter. I don't want the story written
hat when I finally read it I won't know its my
tory, true story, not a fiction! But long as you keep
abs on things I know yours & my end will be safe. Id sure
eel more secure if the contract with Patterson was signed
I don't trust him yet! So you went & got a King size
bed & now your out to prove if I am all mouth or if
I am otherwise. Hmmm, I think I am both! smile
But I think that having to prove it is about the best
challenge I ever had in my life!! Right on my Birth
on the King size bed. Honey, I don't think infact I'
m quite sure we will never be at that apartment
because Baby, certain people will expect me at that
partment even just once & that all they want is once
ll'een I come home, you will have all your things
ut in storage by our big Brothers help, we'll go
n our trip & then our big Brother will move the
things out of storage to Mexico to our house. You
sit & think about it & see if I am not right.

Honey, 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 hand written because I gave it to you through Ted to type up. I also have the same ammount hand written in a vault in Wash DC. I gave Ted, part of it typed & part of it hand written, well I have the original that was typed. That is the part stolen. You aren't to swift Imp, of course I know I sent you two forms to fill out, but that was a way of writing you an extra letter when I didn't have no letters or money to write, I hinted that to you in the 2nd letter! smile Honey, get Bob B. to send Patterson's contract up here right away, immediately & I'll get it signed witnessed & notarized here. Once I have Patterson under contract, then I can write him a letter on the face of life! Tell Bob B. to send it Special delivery return receipt requested! Honey, forget the Playboy or Penthouse I am to old & ~~they~~ get too excited & get a heart attack. But you can send these small package of cheese wrapped in tin foil & sausage meat like salami wrapped in tin foil, no glass or metal containers, must be sent from the store or factory. You have seen These package, food gifts, before. Hickory Farms, or S.S. Pierce sells them. You can send them anytime

not only Xmas, I send crackers with them, tell Ted & Jo
too! I am crazy about different cheese, are you? Muenster
cheese is one of my favorites. When I get some money
from the Book I will make you get a $5.50 package
every 2 or 3 weeks. Also va-va cookies in tin foil
& celophane wrap right from the store, sent by the
store or factory. If Ted, calls Roy Bobell in Wash, we'll
find out if I am going to Wash. & then I won't come
back here. Of course I want you more then anything
in life not only on Xmas but all year around even
more then Maple Walnut ice cream. Your Xmas present
is on its way & you should get it anytime around
Dec. 1st lets just call it a baleled headed mink coat.
Can't you call up Greg & tell him to call you at
a phone # you already selected at a certain time
like 1 or 2 hrs after you speak to him that way he
can call you at the # from a phone he chooses
to talk to you on? Remember it is important to
find out what Boston said on the "Hold" & if he
got my letter from here. Yes Honey do send me
a picture 8 x 10 of you! Where are those pictures
you took at Jo's? I sent Donald one picture of
my Pretty & me! I have all your pictures where &
everywhere I turn in my cell I see my [redacted]
oh Babe, I sure miss you & love you so much

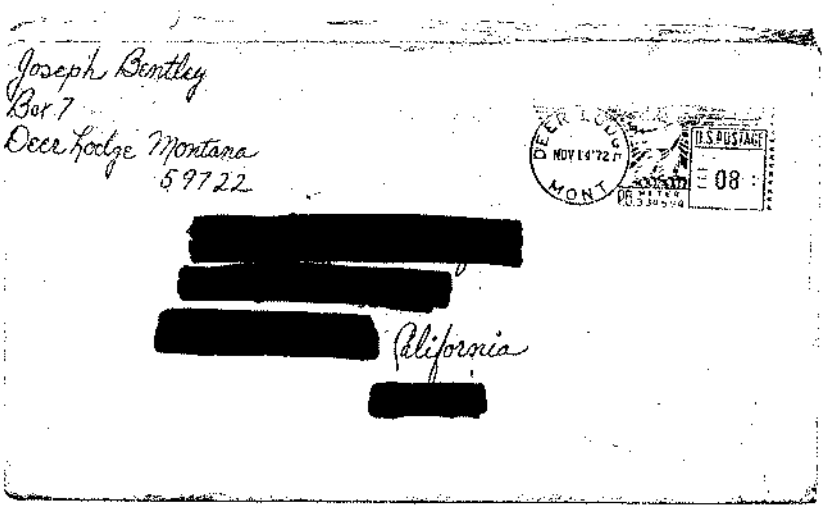
Honey, I already told Ted when we get the money I want him to find the right diamond for the right price of 850 to 900 dollars from his many friends. That way you can pick a setting you like for the stone for 100 to 150 dollars. Ask him about this !!
I like paintings too very much but they have to be the right kind. I have one of a girl, not a special nude, just a picture of a girl in the darkness with a light glowing around her head & torso, a painter did it for me, & now I fear I've lost it. I wish you could have seen it. I had one painted of a matador & bull & was stolen, also I had a painter duplicate a Keene painting of the girl holding the cat. I like paintings, we'll have fun looking for several for our house. How the heck can your ring be a Xmas or any other kind of present? you silly girl! smile
Keep thinking of that King size bed & I bet you that you run off to a lonely corner to hide !!!
We'll see Imp? Beautiful challenge to meet, win or lose it will be seventh heaven! I've now wrote to Coyle in Sacramento, Greg, Bodell in Wash, Harrington in Boston, Colonel Stone in R.I., let 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.

Read this clipping & then you'll know why I think all reporters are Punks! I am anxious to hear what Patterson has been up to. Honey, make sure Patterson's contracts get out here right away!!

Love you my wife, & I am so impatient to start our life together & do all the things we dream & talk about, things we both like so much together! Beautiful hugs & kisses my Pretty! Ta, to B. Honey.

Eternally
Joe

Joseph Bentley


Joseph Bentley
Box 7
Deer Lodge Montana
59722
[redacted]
California
[redacted]
MONT
U.S. POSTAGE
08

FD-36 (Rev. 5-22-64)

FBI

Date: 9/4/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL (Priority)

TO: DIRECTOR, FBI
ATTENTION: NEW AGENTS AND IN-SERVICE TRAINING UNIT, FBI ACADEMY

FROM: SAC, MIAMI (1-597)

TOP ECHELON CRIMINAL
INFORMANT SCHOOL
NOVEMBER 4-8, 1974
FBI ACADEMY
QUANTICO, VIRGINIA
BUDED: 9/6/74

Re Bureau airtel to Albany, 7/26/74.

Referenced airtel indicates that Miami should recommend one Agent to receive Top Echelon Informant training. However, Miami desires to send two qualified, experienced Agents to this training session. SA FRANCIS J. PIERONI is an experienced investigator in the organized-crime field and it is desired that he attend this school to receive additional training in Top Echelon Informant development.

SA H. PAUL 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.

UACB, Miami recommends that SA PIERONI and SA RICO attend this school.

(3) Bureau
2 - Miami
EJM/bgj
(5)

EXHIBIT 609

SUBJECT TO PROTECTIVE ORDER

Approved: _____ Sent _____ M Per _____

PERS. REC. UNIT

STATE OF CALIFORNIA—HEALTH AND WELFARE AGENCY

RONALD REAGAN, Governor

ADULT AUTHORITY
STATE OFFICE BUILDING NO. 8
714 P STREET, ROOM 523
SACRAMENTO 95814

September 23, 1974

Re: BENTLEY, Joseph
B-38509

RECEIVED
[illegible]
80[illegible]

Mr. Gerald E. McDowell
Chief Attorney
Organized Crime Strike Force
United States Department of Justice
1703 John W. McCormack Building
Boston, Massachusetts 02109

Dear Mr. McDowell:

Your recent letter to Mr. Kerr has been referred to me for appropriate handling since Mr. Kerr is seldom in our offices due to his hearing line responsibilities.

I don't know what Mr. Bentley has indicated to you, but he is a most prolific letter writer. He can't keep his mouth shut. Any time we have attempted to get him quietly into a protective custody situation, he immediately blows his own cover. For example, knowing that there was a contract on him, our Department of Corrections very quietly lodged him in Montana. We did not even know he was in prison in Deer Lodge as it was kept that quiet. The first I learned that Bentley was in Montana was when I received a telephone call from the Boston Globe inquiring if we were going to parole him. I informed the reporter in Boston that we had no knowledge he was in Montana as our records here showed he was in prison in California. The Boston Globe reporter informed me he had received a personal telephone call from Bentley from Deer Lodge.

We did not return Mr. Bentley to California, but asked the Montana parole authority to grant him a hearing for us since he was complaining of and demanding his hearing rights. Subsequently Mr. Bentley received minimum custody in Deer Lodge, and was then alleged to be bringing weapons into prison there. He was stopped and searched coming into the institution and was found to be carrying narcotics. In addition, when apprehended with the narcotics, he threw them from his person and assaulted a correctional officer, who required hospitalization.

EXHIBIT
610

BSF-00457

Montana requested us to return him to California. Since his return he has written, agitated, and demanded a whole series of items. It was necessary to transfer him to the prison at Folsom where he is in maximum protective custody. We are fully aware that if something should happen to Mr. Bentley it might further affect your witness development program in the New England area. However, we aren't getting much help from Mr. Bentley.

Sincerely,

RAYMOND C. BROWN
Chairman, Adult Authority

By

JOSEPH A. SPANGLER
Administrative Officer

JAS:k

cc: Mr. Ben Williams
Mr. Duane Coombs, CA&PR-FOL

UNITED STATES GOVERNMENT

# *Memorandum*

TO : MR. CLEVELAND

DATE: October 24, 1974

FROM : A. A. STAFFELD, JR.

SUBJECT: 1974 NATIONAL CONFERENCE OF UNITED STATES ATTORNEYS
CRIMINAL Intelligence Program GENERAL

Mr. Adams called to advise of information received from James A. Wilderotter, Associate Deputy Attorney General, indicating that as a result of some contacts made by Deputy Attorney General Silberman at the U. S. Attorney's conference in New Orleans, he had inquired with respect to the Bureau's policy in protecting its informants. On the basis of Silberman's conversation, it was evident that some U. S. Attorneys at the New Orleans conference had expressed a feeling that the Bureau was overly protective of its informants and made every effort to insure that they were not prosecuted and thus their availability for the production of intelligence information remained secure. It also appears that some of these U. S. Attorneys were under the impression that the interest in avoiding prosecution of the informants was to provide an uninterrupted advancement of the informant in the hierarchy of organized crime and thus become of greater value to the Bureau's investigations.

These suggestions on the part of the U. S. Attorneys are patently false. It has long been an established practice of the Bureau to insure that an informant is fully aware of the fact that the Bureau will not countenance any criminal activity on the part of the informant and that if the informant is found to be in violation, we will not stand in the way of prosecution, and in fact, would fulfill our responsibilities by making all available information to the prosecuting authority.

It is certainly well recognized that informants are not persons of sterling character and while they do not admit it, their livelihood is frequently dependent in the effectiveness in their criminal conduct. However, we do not give them any so-called "free pass," "immunity," or any other suggestion that would provide the informant with a feeling of total safety from prosecution.

REC-46 62-9-1558

EX-105

NOT RECORDED
152 NOV 19 1974
17 NOV 8 1974

1 - Mr. Adams
1 - Mr. Gebhardt
1 - Mr. Mintz
1 - Mr. Cleveland
1 - Mr. Zeith

AAS:dlb
-6-

CONTINUED - OVER

EXHIBIT
611

Memorandum to Mr. Cleveland
RE: 1974 NATIONAL CONFERENCE
OF UNITED STATES ATTORNEYS

B

While the source of Silberman's concern is not known, it will be recalled that a few months ago (August 9, 1974), U. S. Attorney [redacted] complained about [redacted] agent having arranged to have a convicted La Cosa Nostra member assigned to the [redacted] Penitentiary having full knowledge that the U. S. Attorney's office had recommended that this individual be incarcerated in [redacted] Penitentiary. The U. S. Attorney said he was suspicious about the motives of the Agent. Our inquiry established that the agent admitted making the arrangements in order that [redacted] the hoodlum, might be further developed as an informant. The Agent was censured [redacted] for his poor judgment in this matter.

It might be noted further, our Denver Office has indicated that they must be circumspect in their relationships with the U. S. Attorney's office on organized crime matters because of a more than casual relationship existing between U. S. Attorney Treece and organized crime figures in the Denver area, as well as the consistent reluctance on the part of the U. S. Attorney to prosecute organized crime matters involving the Smalldones. This has been previously brought to the attention of the Department.

ACTION:

The foregoing is for future reference, it being noted Mr. Wilderotter, in his conversation with Mr. Adams, indicated that this should be a matter of discussion in a future meeting with the Deputy Attorney General's office.

BSF-01689

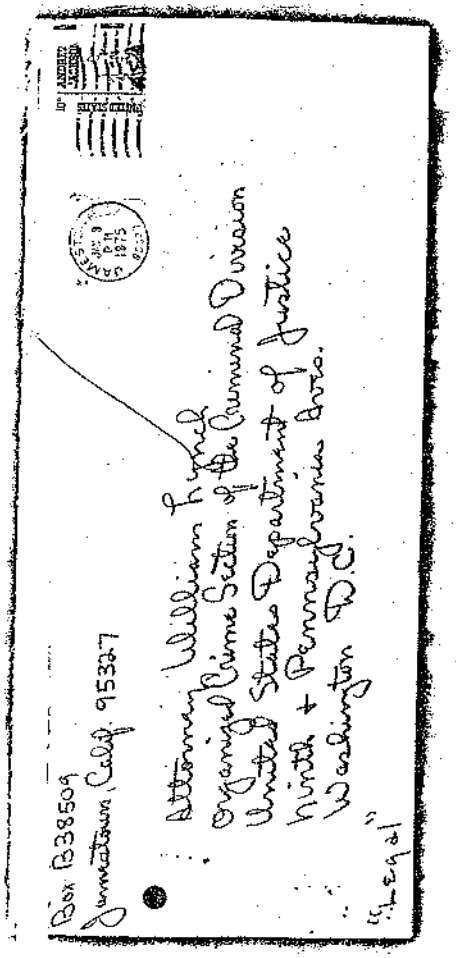



EXHIBIT
620

2

hands are tied: I have the Mafia revin
of Raymond Patriarca, Gerry Anguilo +
others, along with Atty Thee Bailey's swor
oath "he'd make sure I never got out
I have in my prison files in which I
sent Agent Dennis Condon a copy of two
letters which go into great length of
a $200,000.00 bribe offered to William
Geraway who was a major witness agai
me + how the plan was hatched in
Walpole State Prison in Massachusetts b
Mafia Attys + the same guys I convicte
in death row, who from death row talke
+ planned it with Geraway, who was a
tier sweeper + had access to death row
During my trial the Mafia sent a Larr
Hughes to Calif to testify against me +
he was proven a liar but in his police
statement he said "his brother Lennie
Hughes went to Gerry Anguilo + that
Gerry said "get the stocks + bonds back
they are important." The reason they we
important to Gerry was it would show
a motive of why I premediately killed
Clay Wilson over $400,000.00 of stolen
stocks + bonds. They came up with
this story in court that I shot + killed
Wilson in the woods in front of his wi

BSF-01690

3

+ her 18 year old girlfriend. Where I've come from + been, noted for using disguise constantly, they have me shooting Wilson premediatedly over $400,000.00 in stocks + bonds in front of a wife who is a junky + her 18 year old girlfriend who I know is a snitch, + then they kept quiet for 3+½ months when we buried him + I kept them quiet through fear. I kept jumping around with my story but I will hope you'll bear with me + I'll try to make some sense to all this.

Lennie Hughes + Herbie Jesus are from the city I was brought up in as a child + we grew up together in New Bedford Massachusetts. After I was relocated in the town of Santa Rosa Calif by the Govt, a year or so later

So I came up with the idea that I'd play games with the Mafia by going back there + leading them to believe I would recant my testimony for the right price

BSF-01691

by doing that I could stop any danger happening to my wife + children

then I would leave + leave the Mafia hanging. I used Bennie Hughes to get the message to them, he got in touch with Frank Davis, who represents Patriarca in several businesses. I met Frank Davis in the New Bedford woods with Bennie Hughes, Huber Jesus + others. I demanded $500,000.00 to change my testimony. Several days later I got word they accepted the deal. I had in my possession at the time $126,000.00 of stocks + bonds given to me by Wilson to push for him. I gave them to Bennie Hughes, + told him to make photo stats of the stocks + bonds, when I return I would pick up the originals, I left to go back to Calif in May of 1970. At the end of May I dropped an address book loaded with Govt Justice Dept State Police, Deputy Marshals, I dropped it in a lounge + was found by people + it was traced to me by Wilson. He went on a real paranoid trip + thought I was undercover + set him up. He Wilson, use to belong to the Hell's Angels-

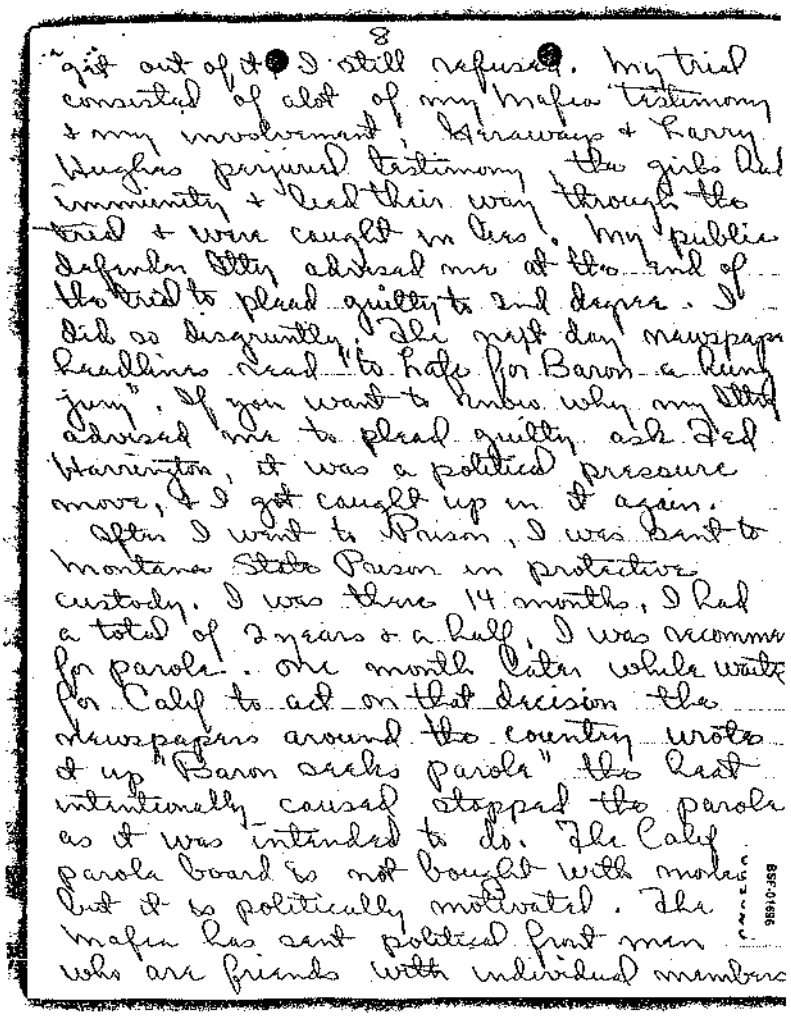
at that time was with a motorcycle group called the Misfits, he was a speed freak, used narcotics "Reds" + was a gun freak. While at his house in Glenn Allen June 29th 1970 he said "Joe come with my wife + her girlfriend to go dig up some guns I got buried in the Woods." I said "Okay." While we are in the woods he is loaded on Reds + starts calling me a snitch, that I could get him for conspiracy, he was standing side ways to me when I saw to right shoulder left so I grabbed put a lock on him + flipped him to the ground + had his gun in my hand. He still is yelling while on the ground + his hand is in his boot + he is coming out with a .25 automatic + I shot at his head twice. His wife + the other girl ran after I told them to leave. When I got back to the house his wife said "we've got to bury him because I'll lose my son to my ex husband if this gets in the paper. Well I went along with it because it would keep my

I did wrong by burying him with the girls
If I had gone to the police + told my
story + had his stomache pumped to
show the consumption of Reds I would
have had a clear cut self defense but
my situation + past made me paranoid
I went back East + I told Lennie Hugh
Herbie Jesus + my brother [redacted], how
a junky motor cycle freak tried to kill
me + what happen. Then Atty F. Lee
Bailey came in the picture + is hired
by Frank Davis to aide me in making
it possible to change my testimony. I
lied to Bailey on many points. Then
I got arrested in New Bedford with Herb
Jesus in car, they found guns in the
car. Herbie Jesus + I are put on high
bail, + I got F Lee Bailey to represent
Herbie Jesus. The gun charges were
dropped + I was violated to Walpole
State Prison in segregation on the 2nd
floor right over the guys I help convict
who were on Death Row below me +
William Heraway the tier tender is right
next door to me. Finally I told Bail
after several interviews to get lost, he
went into a rage + swore that I'd never
get out. The charges of the guns in the

car with Hubie Jesus were suddenly brought up against us again. The D.A. Din wrote on the bottom of the warrant "Per recommendation of the Fed Govt". Atty Ted Harrington of the Fed. Boston Strike Force was contacted + he said this was not true + a lie. I knew it was Bailey + it was only later I found out why. Kennie Hughes + Hubie Jesus went running to Jerry Angiulo, Attys Ted Lee Bailey, Ronald Chisholm + Joe Balliro, with the story I told them about Wilson + the girls. Both Hughes + Jesus were afraid + wanted to be in good graces with the Mafia after I told the Mafia + Ted Lee Bailey to get lost. My parole violation was only 3 months, + several days before it was up, came the removed charges so that I could be held in a county jail long enough to get the Calif Charge put against me. It did come 3 wks later.

I went on trial 14 months later + during that time I was told by word that if I played ball with the Mafia I could

004622



8

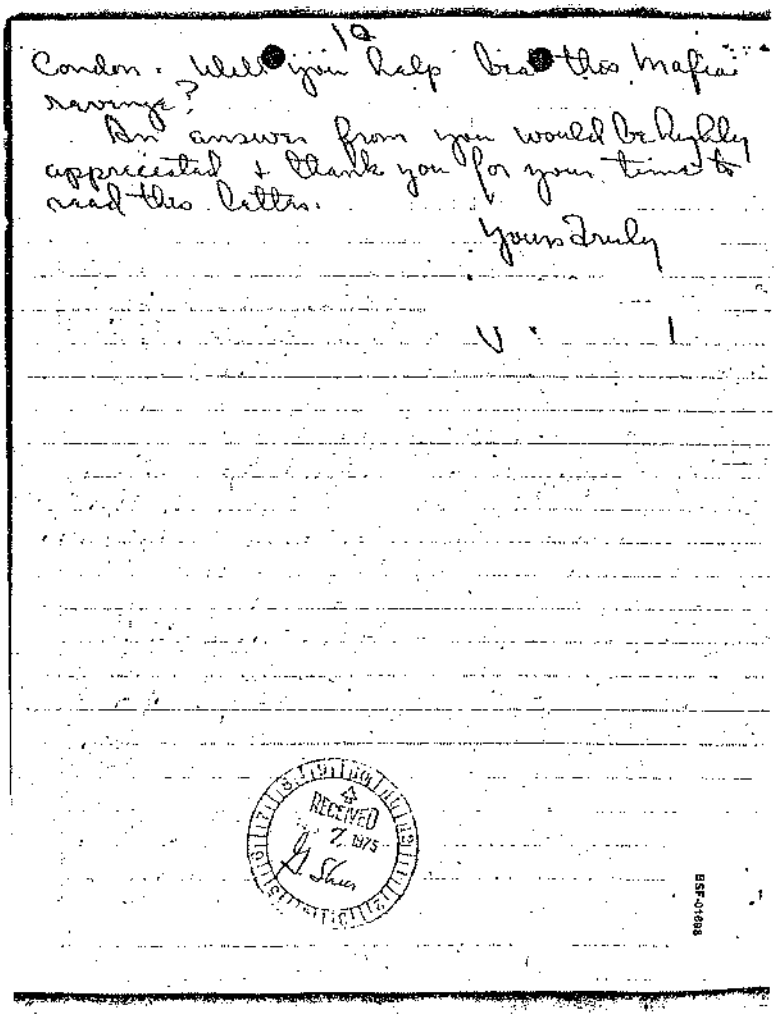
"get out of it" I still refused. My trial consisted of alot of my Mafia testimony & my involvement, Heraways & Larry Hughes perjured testimony, the girls had immunity & lied their way through the trial & were caught in lies. My public defender Atty advised me at the end of the trial to plead guilty to 2nd degree. I did so disgruntly. The next day newspaper headlines read "to hate for Baron a hung jury". If you want to know why my Atty advised me to plead guilty ask Ted Harrington, it was a political pressure move, & I got caught up in it again.

After I went to Prison, I was sent to Montana State Prison in protective custody. I was there 14 months, I had a total of 2 years & a half, I was recommended for parole. One month later while waiting for Calif to act on that decision the newspapers around the country wrote it up "Baron seeks parole" the heat intentionally caused stopped the parole as it was intended to do. The Calif parole board is not bought with money but it is politically motivated. The Mafia has sent political front men who are friends with individual members

BSF-01696

of the Parole Board + are stopping me from parole. I am left to face the Mafia revenge alone. everybody is gone + officials from my past are aware that the Mafia is pressing me so I can't get out. hoping I will go along with them finally. Six months ago I received word the $500,000.00 still stands if I go along. I've lost my wife + two children to a divorce. Mr. Lynch, I ask your help in that I see the parole board again in May and will have 4 yrs + seven months in. I would hope that if I am released that the Govt would still be interested enough to help me with.

to show in my parole program a Govt interest + I might make it, as it stands I will look again to the Mafia. I do have money from a book I did to give me a start on life. There is talk of a movie in which I could make a great deal of money. I turn to you at the advise of F.B.I Agent Dennis



Condon - Will you help bro the Mafia
revenge?
An answer from you would be highly
appreciated + thank you for your time to
read this letter.

Yours Truly

V. [illegible]

RECEIVED
2 1975

SSF-01698

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the Division Indicated and Refer to Initials and Number
JCK:WSL:GS:DS:hec

MAR 7 1975

Jimmy -
Sent to you as you requested

Joseph Bentley
Box B38509
Jamestown, California

Dear Mr. Bentley:

Reference is made to your letter of February 1, 1975.

The Government's original offer to render assistance to you because you became endangered by reason of your testimony resulted in your relocation to California. 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 circumstance and determine whether the assistance you desire is warranted.

Sincerely,

JOHN C. KEENEY
Acting Assistant Attorney General
Criminal Division

By: William S. Lynch
WILLIAM S. LYNCH
Chief, Organized Crime and
Racketeering Section

RECEIVED
MAR 24 1975
BOSTON FIELD OFFICE

BSF-00427

EXHIBIT
621

GEM/kab

Gerard T. McGuire
Deputy Chief
Organized Crime & Racketeering Section

September 17, 1975

Gerald E. McDowell
Chief Attorney
Organized Crime Strike Force, Boston, MA

Former Government Witness Joe Barboza Baron

I have enclosed an article from the Boston Globe which all but gives the L.C.N. a blueprint on how to find Barboza and kill him. I have also attached a recent letter from Barboza to me.

Barboza has periodically written to the Department and asked for further assistance regarding change of identity and relocation. The response from the Department has always been noncommittal as there was no immediate prospect of him being released. It now appears quite likely that he will be released this fall. It appeared to me that Barboza was in a position to disappear from prison into civilian life without much help from the Department (He has not been promised any further help.). He is employable as a cook, has a specific area of the country (not New England) in mind, has some money from the sale of a book that he wrote, and seemed to be happy with the identity of Joe Bentley which he has assumed for the past several years. Now that his identity and parole plans have been exposed, however, he may be in serious trouble.

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. I am certain that as soon as Barboza learns of this Globe article he will renew his request to the Department for relocation. 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.

BSF-60939
EXHIBIT
623

in the New England area. I request that before any further correspondence is directed to Barbosa you and I talk over what our position should be.

cc: Gerald Shur

Enclosures

BSF-00940

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);<br>OBSTRUCTION OF JUSTICE;<br>OFFICE OF PROFESSIONAL<br>RESPONSIBILITY (OPR);<br>BOSTON DIVISION;<br>OO: FBIHQ | Joshua Hochberg, PIS, DOJ<br>IIC Charles S. Prouty | tls |
| | CHARACTER OF CASE<br>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:<br>3 - Bureau (263-HQ-1220323)<br>(1 - AD Michael A. DeFeo)<br>(2 - Inspection Team)<br>1 - Department of Justice<br>1 - Massachusetts USAO Trial Team | | |

| DISSEMINATION RECORD OF ATTACHED REPORT | | | | |
|---|---|---|---|---|
| Agency | | | | |
| Request Recd. | | | | |
| Date Fwd. | | | | |
| How Fwd. | | | | |
| By | | | | |

Notations

COVER PAGE

EXHIBIT 624

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

PAGE TWO [redacted] BS 92-1132

[redacted]

BY LHM DATED SEPTEMBER 19, 1975, BOSTON ADVISED BUREAU THAT INFORMATION RECEIVED FROM RELIABLE SOURCE INDICATING MEMBERS OF BOSTON LCN FAMILY INTERESTED IN MAKING DETERMINATION AS TO WHERE BARBOZA LOCATED UPON HIS PAROLE IN ORDER THEY COULD KILL HIM. INFORMATION RECEIVED THAT MEMBER OF ORGANIZATION LOCATED IN BOSTON AREA STATED SIZEABLE AMOUNT OF MONEY AVAILABLE TO PERSON WHO SETS UP BARBOZA FOR 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]

"J" Title 18 U. S. C. Section 2510, et seq

EXHIBIT 625

9/19/75

AIRTEL

TO: DIRECTOR, FBI

FROM: SAC, BOSTON (92-1626)

SUBJECT: JOSEPH BARBOZA BARON
WITNESS PROTECTION ACT

Enclosed for the Bureau are four copies of an LHM setting forth info received from sources indicating the LCN is interested in locating subject for elimination purposes.

It is to be noted that the information contained in enclosed LHM has been discussed with GERALD MC DOWELL, Chief, New England Organized Crime Strike Force, and he was requested to contact the Department because though it is felt commitments to BARBOZA by the Department have been fulfilled his execution would represent a lethal blow to the Witness Protection Act and would serve as a deterrent for future potential witnesses in the Boston area.

[redacted]

ORIGINAL FILED IN

NOT RECORDED
SEP 26 1975

3 - Bureau (Encl. 4)
(1 - 92-9028)
2 - Boston (92-1626)
(1 - 92-1132)
JFS:gm
(5)

84 OCT 1 1975

EXHIBIT
626

CRIMINAL DIVISION
Organized Crime and Racketeering Sec

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Boston, Massachusetts

September 19, 1975

FBI
SEP 19 1975
CRIMINAL DIVISION

JOSEPH BARBOZA BARON
WITNESS PROTECTION ACT

Information has been received from a reliable source indicating members of the Boston Family of the La Cosa Nostra are interested in making a determination as to where Barboza will be located upon his parole in order that they can kill him. Information has been received that a member of the organization located in the Boston area has stated that a sizeable amount of money would be available to the person who sets up Barboza for the organization in order that he can be killed.

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.

SEP 23 1975
Organized Crime and Racketeering Section

UNITED STATES GOV' NT

2-Way Memo

ect : Joseph Barboza

To :

INSTRUCTIONS

Use routing symbols whenever possible.

SENDER:
Use brief, informal language.
Conserve space.
Forward original and one copy.

RECEIVER:
Reply below the message, keep one copy, return one copy.

DATE OF MESSAGE: 9-19-75

Routing Symbols

SIGNATURE OF ORIGINATOR: [signature]

TITLE OF ORIGINATOR

INITIAL MESSAGE

Don Symmitt, DoJ, advised that subject was being paralled in California. The word on the street in Boston is that the bad guys know this, his name and they plan on publicly executing him. Symmitt requests we offer technical assistance to State if needed - documentation, employment

REPLY MESSAGE

Contacted Inspector St. Germain who advises subject in Redway Prison Camp, Garberville, Calif. Parole date is 10-11-75. FBI have already requested help in form of job assistance. This is being done. Subject will remain in N.W. area.

From : St. Germain will advise info on street and keep this office posted.

DATE OF REPLY

Routing Symbols

SIGNATURE OF REPLIER

TITLE OF REPLIER

5027-104

1. TO BE RETAINED BY ADDRESSEE

OPTIONAL FORM 37
JULY 1973
GSA FPMR (41 CFR) 101-11.4

EXHIBIT 627

BSF-00186

FROM DOJ/CRIMINAL (FRI) 4.19'02 14:36/ST. 14:35/NO. 4861153373 P 6

SAN FRANCISCO

POLICE DEPARTMENT

INTRA-DEPARTMENTAL MEMORANDUM

| TO | DIST. BUR. DET. | DAY & DATE |
|---|---|---|
| LT PAUL LAWLER<br>COMMANDER INTELLIGENCE UNIT | INTELLIGENCE<br>SUBJECT: JOSEPH BARBOSA | THURS 30 OCT 75 |

SIR:

JOSEPH BARBOSA, CONVICTED MURDERER, WAS PAROLED TO SAN FRANCISCO THIS DATE.

SUBJECT IS RESIDING WITH A [redacted] AT [redacted]

NUMBER [redacted], SUBJECT WORKS AS A COOK AT THE RATHSKELLER RESTAURANT

600 TURK ST.

BSF-00307

| FROM | APPROVED BY: | REFER TO |
|---|---|---|
| RANK STAR | RANK STAR | |

FPD - 68 (9 - 70)

EXHIBIT

628

7, 1975

'THE BARON'

NOV - 7 1975

# Former New England Mafia figure paroled

Joseph Baron, a former New England Mafia enforcer sent to prison in 1971 for a Sonoma County murder, has been quietly [redacted] and reportedly is secluded somewhere in the Bay Area.

And there's little doubt he's the target of a long-standing $250,000 death contract put out by the New England Mafia for turning against his former boss, Raymond Patriarca, thereby aiding the Justice Department to put Patriarca in prison in 1968.

Baron, 43, was released Oct. 30 from the Sierra Conservation Camp in Tuolumne County after serving four years for the murder of Clay Wilson, 26, whose body was unearthed from a shallow, hillside grave in Glen Ellen Oct. 12, 1970.

After his conviction in Santa Rosa in December of 1971, Baron was moved to a Montana prison, then quietly moved back to California.

"[redacted]hit man" reportedly is being kept under close surveillance by state investigators.

Reason is two mysterious visits to the Bay Area by east coast hoodlums when it was falsely rumored last August Baron had been released from prison.

The first to arrive were the Gold Dust Twins, Vinnie DeCissio and Joe Russo. Baron described them in his autobiography, written while he was in prison, as a conduit to Patriarca, who was paroled last December.

On Aug. 5, DeCissio was arrested in San Francisco for trying to pawn $1,500 worth of jewelery, and Russo arrived three days later to post bail.

DeCissio then took his own life last month in the Boston area.

Three other Boston underworld figures arrived afterwards and let it be known they were looking for "The Baron." Baron at the time was in prison in California.

Sonoma County Public Defender Marteen Miller, who defended Baron in the Wilson killing, had no comment to make on his release.

Municipal Court Judge Kiernan Hyland, then district attorney, and County Defense Lawyer Ronald Fahey, then chief deputy district attorney, prosecuted Baron in Judge Joseph P. Murphy's courtroom.

Baron was living with his wife in Santa Rosa under the assumed name of Joseph [redacted] when he shot, killed and buried Wilson in Glen Ellen in July of 1970.

He was given the new identity by the Justice Department and moved to Santa Rosa after being kept in luxurious protective custody in New England following his 1968 testimony against Patriarca and several other top New England underworld figures.

Shortly after the Wilson murder, Baron returned to his hometown in New Bedford, Mass., and was arrested for violating parole.

He was charged in the Wilson slaying while serving time in Walpole State Prison where another inmate, William Geraway, informed on him, contending Baron had admitted to him he killed Wilson.

After his conviction here for second-degree murder, to which he pleaded near the end of his jury trial, he was taken to Washington to testify before the House Select Committee on Crime.

While confined in the Sonoma County jail, awaiting trial, Baron said he knew there was an underworld contract out for his life.

During his Mafia days, The Baron had the reputation of being cold, calculating enforcer and it was rumored he had killed more than 30 underworld figures.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to File No.*

San Francisco, California

December 16, 1976

JOSEPH BARON
Also Known As
Joseph Barboza,
Joseph Delfel,
Joseph Bentley,
Joseph Donati,
Joseph Costa

During June, 1976, Theodore James Sharliss was interviewed concerning information he had regarding the Baron murder. Upon release from the California State Prison on October 30, 1975, Baron lived at Sharliss' residence from November 1, to November 15, 1975. Baron later moved to an apartment with his girlfriend [redacted]. Baron visited with Sharliss daily and was murdered on February 11, 1976 just outside Sharliss' residence at [redacted], San Francisco, California.

Sharliss advised that during the latter part of November, 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. Russo replied "You'll know him, he has the same initial as you "J" and he will meet you near the reservations desk in about an hour. He will be dressed in a red plaid jacket". It is noted that Sharliss uses an alias of James Chalmas.

Sharliss kept the meeting and the individual met 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

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92-9928-

ENCLOSURE

EXHIBIT 629

JOSEPH BARON

$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 stated he had no further personal contact with Russo and noted that he has no idea how Russo traveled to or from San Francisco, or where he stayed while here. He admitted talking with Russo by telephone on a number of occasions after the November, 1975 contact including a day or two before Baron was killed. Russo, during a number of these calls asked "Is that lying bum still out there". Sharliss affirmed that Baron continued to reside in San Francisco and visited his house practically every day.

During October, 1976, John F. Loewe contacted the San Francisco Federal Bureau of Investigation Office and related he had been a close associate of Sharliss for the past three years, and through Sharliss, became acquainted with Baron. Loewe related that during January, 1976, he accompanied Sharliss to the Hilton Inn, San Francisco International Airport (SFIA). Sharliss, during the drive back to his residence, disclosed that one of the individuals he had just met with was Larry Baione, the number two man in the Boston LCN. Loewe believes Sharliss mentioned the name of the other individual, however, he cannot recall the 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.

Loewe recently advised that during late March or early April, 1976, that Sharliss met with the same two individuals at the SFIA Hilton Inn. Loewe remembers the time period because Sharliss picket Loewe up at the airport the same day that Sharliss met the two individuals. (Investigation conducted by the San Francisco Office shows that Loewe flew from Las Vegas to San Francisco on the evening of Friday, April 2, 1976.) Sharliss met Loewe at the airport and on the ride home to Sharliss' residence, learned that Sharliss had

JOSEPH BARON

been to the airport, at least once, possibly twice that morning. Loewe arrived at Sharliss' residence and Sharliss returned to the airport. He told Loewe that he had another meeting scheduled with the two individuals from Boston. The purpose of the meeting was for Sharliss to collect some $5,000 for lining up Baron. Sharliss later told Loewe that he did not get the $5,000 and has never received any money.

Hotel registration records at the SFIA Hilton Inn show nothing for the time periods in question for Larry Baione or Joseph Russo. [redacted]

LEPPO AND PARIS
COUNSELLORS AT LAW
40 COURT STREET - SUITE 420
BOSTON, MASSACHUSETTS 02108
617-742-1213

RICHARD B. GEMS
MARTIN K. LEPPO
MICHAEL A. PARIS
ROBERT J. CIOLEK

November 28, 1975

Executive Secretary
Room 184
State House
Boston, Massachusetts

Re: Joseph L. Salvati

Dear Sir:

Enclosed please find Petition for Commutation of Sentence duly executed by the above named.

Also, note my appearance for Mr. Salvati and please notify me of any hearing.

Very truly yours,

Martin K. Leppo

jlr
Enclosure



FRANK L. WALSH
[redacted] ROSLINDALE, MASSACHUSETTS 02131

January 26, 1976

Mr. Paul Carr
Administrative Assistant
Mass. Parole Board
100 Cambridge Street
Boston, MA

Re: The petition of Joseph L. Salvati for a hearing before the Parole Board.

Dear Mr. Carr:

After 32 years of service with the Boston Police Dept., I retired in August 1973, to accept the position of manager of Security for the Prudential Insurance Company.

At the time of Mr. Salvati's indictment, as a Sergeant Detective, I was assigned to District Attorney Garrett Byrne's office and I was the investigating officer in Mr. Salvati's case. I arrested Mr. Salvati on the indictment warrant in October 1967, and assisted in the prosecution and conviction in Suffolk Superior Court of the several individuals involved.

For the six years prior to my retirement in August 1973, I was in charge of the Organized Crime Unit of the Boston Police Dept., and worked closely with the Federal Task Force.

I mention these facts to inform you of my knowledge of Mr. Salvati's involvement in this case. 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.

For the past ten years I have been in close contact with the North End community including Mr. Salvati's family, and I am convinced through neighborhood contacts, as well as personal contacts with the prisoner while on furlough, that he has every desire to accept one of the job opportunities available to him, and rejoin his family and his community.

There is no doubt in my mind that he has been successfully rehabilitated, that he bears no grudge against our prosecutive and corrective system, that his only desire is to pick up the pieces and serve as a husband, father, grandfather, and useful member of society.



FRANK L. WALSH
[redacted] ROSLINDALE, MASSACHUSETTS 02131

I am very hesitant about writing to the Parole Board about anyone. As I have indicated previously, this is a first for me. However, mitigating circumstances and my knowledge of the prisoner's background, and his family, convince me that he has as good a chance as anyone I have ever known to rejoin his community and serve a useful life.

I am therefore recommending that you consider his petition.

Respectfully yours,

Frank L. Walsh

FOR
GRANTING COMMUTATION HEARING

[illegible] attached; or attached

PETITIONER: Joseph Salvati
OFFENSE: acc. before fact of murder

SENTENCE: Life
EFF. DATE: 7-31-68
DATE PETITION REC'D: 12-10-75

GRANT
✓ DENY
DENY W/O PREJ.

COMMENTS: Abstain no O.C. inclination to deny on ground of high stakes crimes, not through time served

Participant in a h.t. got the guns.

[redacted]
DATE 12/15/75

GRANT
✓ DENY
DENY W/O PREJ.

COMMENTS: Concur too soon.

[redacted]
DATE 1/6/76

GRANT
✓ DENY
DENY W/O PREJ.

COMMENTS: [illegible]

[redacted]
DATE 1/27/76

GRANT
DENY
DENY W/O PREJ.

COMMENTS:

[redacted]
DATE

GRANT
DENY
DENY W/O PREJ.

COMMENTS:

MRS. CUTHBERT
DATE

GRANT
DENY
DENY W/O PREJ.

COMMENTS:

[redacted]
DATE

GRANT
✓ DENY
DENY W/O PREJ.

COMMENTS: Organized Crime

[redacted]
DATE 1-14-76

EXHIBIT
635

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Please Refer to

San Francisco, California

June 8, 1976

JOSEPH BARON
Also Known As
Joseph Barbora,
Joseph [redacted]
Joseph Bentley,
Joseph Donati,
Joseph Costa

On February 11, 1976 at 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, [redacted]. Baron was visiting Sharliss for several hours and was returning to his apartment where he was residing with his girlfriend, [redacted].

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.

Dr. Boyd Stevens, Coroners Office, San Francisco, stated that Baron died instantaneously. The autopsy disclosed thirty double OO buck shotgun pellets entered Baron's right side above the hip. Round number one traveled downward towards the groin, round number two went through his stomach, direction of travel was parallel to the ground, and round number three was fired after the body hit the ground. Round three traveled

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92-9122P-60

ENCLOSURE

EXHIBIT
656

JOSEPH BARON
Also Known As
Joseph Barboza,
Joseph [redacted],
Joseph Bentley,
Joseph Donati,
Joseph Costa

through the aorta and upper chest cavity. The three shots represented one tight group approximately nine inches in diameter. A .30 caliber carbine was also fired from the van. The shot which missed Baron, entered his automobile and was recovered in the interior of the vehicle. A 1912 Winchester pump shotgun was recovered along with three expended shotgun shells, two unexpended shotgun shells still in the shotgun chamber, and one .30 caliber carbine casing.

The van, originally an Airporter Bus, was converted by the assailants. The first two rows of seats were removed. A blanket was strung over a wire directly behind the driver. The windows inside the van were spray painted with black paint. Peep holes were scratched out on the side and rear windows of the van. The van was dusted for fingerprints and a partial print, piece of hair and paper were recovered. The white piece of paper found under the driver's seat had a few words scribbled on it.

The van was subsequently identified as having belonged to a San Mateo, California barber, RICHARD LE-ANUES, who advertised and sold it through a San Mateo newspaper two weeks prior to the killing. A white male American using the name RANDY or RUDY, 20 to 25 years of age, 5' 8" to 5' 9", 155 to 165 pounds, shoulder length brown scraggly hair, sloppily dressed, paid $1,600 in $50 bills for the van.

During the first few weeks of their investigation, San Francisco Police Department (SFPD) Homicide Inspectors Stephen Maxoutopoulis and Hobert Nelson attempted to link the Baron murder to an incident which happened involving Baron during the week prior to the murder. Baron visited a local San Francisco pornographic film dealer, Don Palmer, at his store. Baron confronted Palmer with the fact that he owed him (Baron) $500 and then hit Palmer in the face with a smashing left hook. Palmer was knocked down and not seriously injured but did give Baron $500.

JOSEPH BARON
Also Known As
Joseph Barboza,
Joseph [redacted]
Joseph Bentley,
Joseph Donati,
Joseph Costa

The Baron - Palmer incident became known to the SFPD following Baron's murder. To date, the SFPD has concluded that Baron was attempting to set up some type of "protection racket" but efforts ceased due to his murder. Currently representatives of SFPD, Homicide Detail, have stated they have developed no worthwhile information which would "solve" the murder.

The glass windows inside the murder van were sent by the SFPD to the FBI Laboratory for analysis of various numbers and letters scratched into the black spray painted glass. On April 2, 1976, the FBI Laboratory advised that the windows were scratched by a mechanical pencil and that nothing could be deciphered.

[redacted]

D

JOSEPH BARON
Also Known As
Joseph Barboza,
Joseph [redacted],
Joseph Bentley,
Joseph Donati,
Joseph Costa

[redacted] D

Since the Baron murder, three Boston sources have advised that Sharliss is the individual who "set up" Baron. The Boston FBI Office further stated that Sharliss was going to be eliminated because of his involvement in the Baron murder and because the "organization" people felt that Sharliss would "open up".

As a result of the information provided by the Boston FBI Office, Sharliss was interviewed in San Francisco. On May 27, 1976, Sharliss was made aware that he was going to be eliminated and initially Sharliss denied any involvement or knowledge concerning the Baron murder. On May 28, 1976, Sharliss was re-interviewed. He admitted that during November, 1975, he furnished LCN figure Joseph Russo of Boston, information as to Sharliss' address at San Francisco and that 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, denied knowing who handled the hit. He denied receiving any money, consideration, or favors.

Investigation at San Francisco is continuing.

4*

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92-9828-58
59 CHANGED TO 166-3219-182
181

FEB 3 · 1978

FBI/DOJ

RE: [redacted] OF KILLING OF JOSEPH BARBOZA

SAN FRANCISCO POLICE DEPARTMENT
HOMICIDE DETAIL

On Wednesday, February 11, 1976 at 1530 hours Joseph Barboza, WMA, 32 years of age, left the premises at [redacted], the residence of Ted Sharlins aka James Chalmas, F.B.I. #548 396B. Barboza walked to his vehicle, a 1969 Thunderbird, two door, parked on Moraga Street, 5 feet off 25th Avenue, facing in an easterly direction. As Barboza reached the driver's door, a white Van pulled up and stopped alongside, the right sliding door was thrust open and several shots rang out. A WMA wearing a red ski cap pointed at the top was observed by witnesses firing a shotgun out of the Van through the opening. The Van drove off at a high rate of speed and was abandoned 5 blocks away at 29th Avenue and Lawton.

The Coroner stated Joseph Barboza died instantaneously. The autopsy disclosed 30 double ott shotgun pellets entered his right side above the hip. Round #1 traveled downward towards the groin, round #2 went through his stomach, direction of travel was parallel with the ground, round #3 was fired after the body hit the ground, it traveled through the aorta and upper chest cavity. The three shots represented one tight group approximately nine inches in diameter. A 30 caliber carbine was also fired from the Van, this shot missed Barboza. It entered Barboza's Thunderbird and was recovered in the interior of the vehicle. The Van remained stopped for approximately 8 to 10 seconds during the attack. The Van, a 1972 Ford, was recovered 5 blocks away. A sawed off Winchester pump shotgun was recovered, along with 2 expended shotgun shells, 1 expended 30 caliber carbine casing, and 2 unexpended shotgun shells still in the shotgun chamber. A blanket was strung over a wire directly behind the driver. The Van was wiped clean of fingerprints and there was no evidence of any debris, cigarette butts, paper wrappings, etc.

Various witnesses who reside near the crime scene observed the Van approximately 24 hours prior to the shooting, parked on the Northwest side of Moraga facing west from 25th Avenue. Prior to the shooting the Van changed its position, parking on the southwest side of Moraga facing east, in the same direction as Barboza's vehicle which was parked on the southeast side of Moraga, also facing east a few feet from 25th Avenue.

The Van was subsequently identified as having belonged to a San Mateo barber, Richard Lennuce, WMA, 1-29-39, CII #45 33 499, who advertised and sold it through a San Mateo newspaper two weeks prior to the killing. A WMA, 20 to 25 years of age, 5'8" to 5'9", 155 to 165 lbs., shoulder length brown scragly hair, sloppily dressed paid $1,600.00 in $50.00 bills for the Van. The subject allegedly used the name of Randy or Rudy.

The Van, originally an Airporter Bus, was converted by the assailants, the first two rows of seats were removed and the side and rear windows were spray painted. Peep holes were scratched out on the side and rear windows.

Inspector Stephen Maxoutopoulis #66
Inspector Robert Nelson #200

92-HQ-9828-60

*Gunned down in San Francisco*

# Killer Barboza slain

HERALD FEB 12 '76

SAN FRANCISCO—Former underworld figure Joseph Barboza, known as "The Animal," who was going to testify before the New England organized crime commission right after lunch, was shot to death on San Francisco's Telegraph Hill last night.

Police Lt. Charles Like of the homicide detail said Barboza was killed by multiple bullet wounds from a weapon not as yet recovered at the scene in a quiet residential area.

Like said Barboza was shot to death at 7:30 p.m. PST, or 10:30 p.m. EST, in front of the apartment house at 1360 Powell St. where he lived with his wife, Joanne, and their two children.

Like said Barboza was shot by a single assailant who fled on foot after the killing.

Barboza was scheduled to appear before the commission in Providence, R.I., today to testify about organized crime in New England.

Barboza was released from prison in Massachusetts in 1971 after serving 7½ years of a 10-year sentence for manslaughter.

Like said Barboza was shot to death in front of his apartment house at 1360 Powell St. in San Francisco's North Beach area

JACK I. ZALKIND
ATTORNEY AT LAW
[redacted]
BOSTON, MASSACHUSETTS 02108
[redacted]

JACK I. ZALKIND
ROBERT A. ROCHBERG

February 20, 1976

Mr. Paul Carr,
Administrative Assistant to the Parole Board
Massachusetts Parole Board, Room 2207
100 Cambridge Street
Boston, Massachusetts 02202

Re: Commutation of Joseph Salvati

Dear Mr. Carr:

Pursuant to our conversation of this date, I was the Assistant District Attorney who was in charge of prosecuting the case of Commonwealth v. Joseph Salvati, et al, and in that capacity, the information that I received prior to trial and during trial led me to believe that Mr. Salvati's involvement was minimal. He did not testify at the trial, so there was never a question of any contrived testimony on his part nor was there any perjury.

Since his incarceration in 1968, I have had many opportunities to keep abreast of Mr. Salvati's imprisonment and attempted rehabilitation which, I understand, has been exemplary.

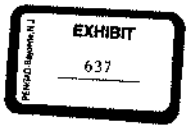
Accordingly, I would have no hesitation to recommend that Mr. Salvati's Petition for Commutation be granted by the Parole Board. Furthermore, if the Board would like me to appear personally on behalf of Mr. Salvati, I would be willing to do so.

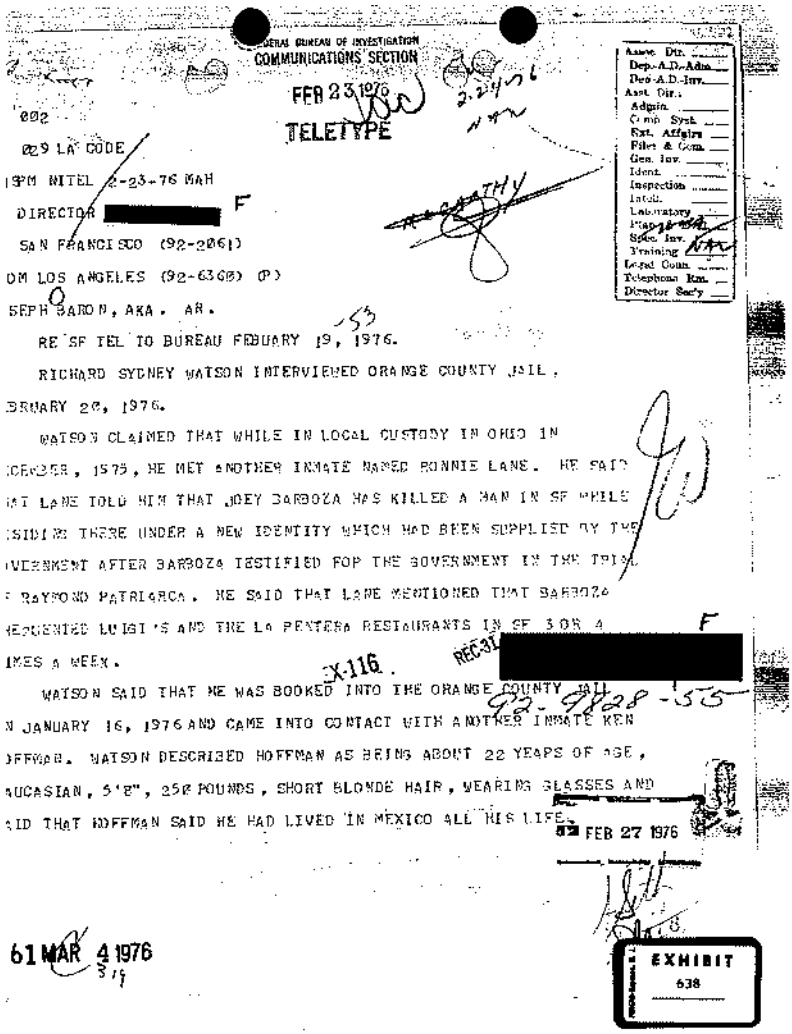
Very truly yours,

Jack I. Zalkind

JIZ/ls

cc: Mr. Joseph Salvati





FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

FEB 23 1976

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DIRECTOR [redacted] F

SAN FRANCISCO (92-2061)

OM LOS ANGELES (92-6360) (P)

SEPH BARON, AKA. AR.

RE SF TEL TO BUREAU FEBUARY 19, 1976.

RICHARD SYDNEY WATSON INTERVIEWED ORANGE COUNTY JAIL, BRUARY 20, 1976.

WATSON CLAIMED THAT WHILE IN LOCAL CUSTODY IN OHIO IN CEMBER, 1975, HE MET ANOTHER INMATE NAMED RONNIE LANE. HE SAID AT LANE TOLD HIM THAT JOEY BARBOZA HAS KILLED A MAN IN SF WHILE SIDING THERE UNDER A NEW IDENTITY WHICH HAD BEEN SUPPLIED BY THE VERNMENT AFTER BARBOZA TESTIFIED FOR THE GOVERNMENT IN THE TRIAL F RAYMOND PATRIARCA. HE SAID THAT LANE MENTIONED THAT BARBOZA REQUENTED LUIGI'S AND THE LA PENTERA RESTAURANTS IN SF 3 OR 4 IMES A WEEK.

X-116

REC-31 [redacted] F

92-9828-55

WATSON SAID THAT HE WAS BOOKED INTO THE ORANGE COUNTY JAIL N JANUARY 16, 1976 AND CAME INTO CONTACT WITH ANOTHER INMATE KEN OFFMAN. WATSON DESCRIBED HOFFMAN AS BEING ABOUT 22 YEARS OF AGE, AUCASIAN, 5'8", 250 POUNDS, SHORT BLONDE HAIR, WEARING GLASSES AND AID THAT HOFFMAN SAID HE HAD LIVED IN MEXICO ALL HIS LIFE.

FEB 27 1976

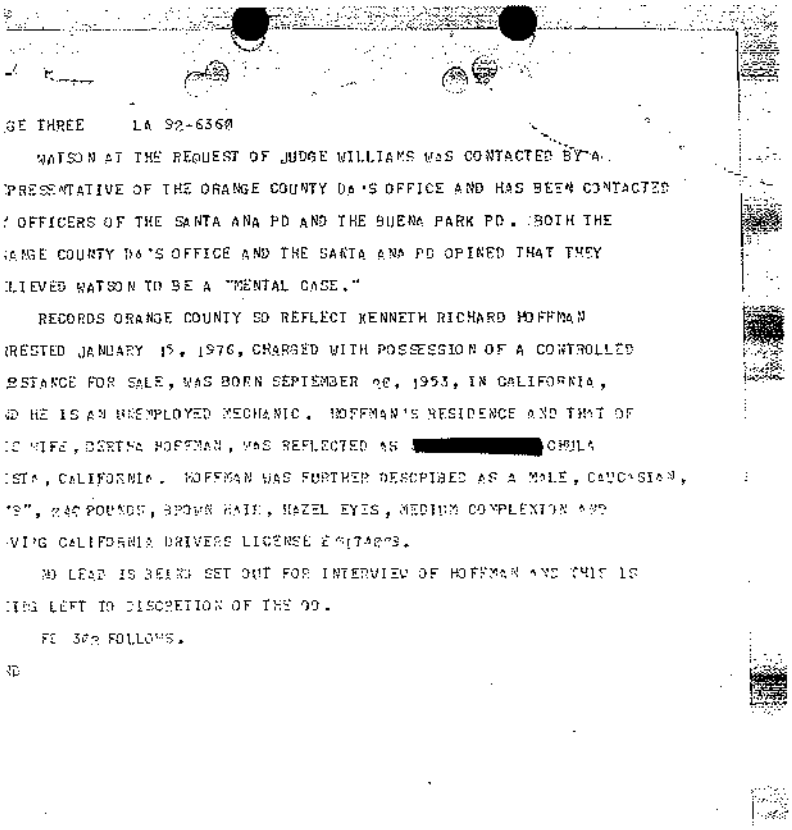
61 MAR 4 1976

EXHIBIT
638

WATSON CLAIMED THAT HOFFMAN SAID THAT HE HAS AN UNCLE NAMED AL PEROZZI WHO OWNS GRANTHAM REALTY IN TRENTON, NEW JERSEY AND AT THE UNCLE HOLDS "APALACHIN" TYPE MEETINGS TWICE A YEAR WHICH E ATTENDED BY JOE SOGENI WHO WATSON CLAIMED IS A LIMA, OHIO AFIA BOSS, JOE BONANNO, PETER LICAVOLI AND GAMBINO, FIRST NAME KNOWN TO WATSON, LF NEW YORK. ACCORDING TO WATSON, HOFFMAN TOLD IM THAT THERE HAD BEEN A $320,000 CONTRACT PUT OUT ON BARBOZA UT NO ONE HAD BEEN ABLE TO FIND HIM. WATSON SAID THAT HE TOLD OFFMAN THAT HE HAD HEARD THAT BARBOZA FREQUENTED LUIGI'S AND E LA PENTERA RESTAURANTS. HOFFMAN TOLD HIM HE WOULD RELAY THIS NFO TO HIS UNCLE AND IF BARBOZA WAS WHERE HE SAID, THAT HE WOULD ET HIS OUT. FOUR DAYS BEFORE BARBOZA WAS KILLED, WATSON SAID HAT HOFFMAN TOLD HIM THE TWO "TORPEDOS" EACH FROM TWO SEPARATE ROUPS WERE GOING TO STAKE OUT THESE RESTAURANTS. FOUR DAYS LATER ATSON READ IN THE NEWSPAPER THAT BARBOZA HAD BEEN KILLED.

WATSON HAS BEEN IN CONTACT WITH NUMEROUS DEA REPRESENTATIVES IN ETRO, MICHIGAN AND CALIFORNIA RE NARCOTICS INFO THAT HE HAS BEEN APPLIED WITH BY HIS VARIOUS FELLOW JAIL INMATES. WATSON HAS RITTEN LETTERS TO THE FBI, LA, ORANGE COUNTY SUPERIOR COURT JUDGE ENNETH WILLIAMS AND OTHERS ATTEMPTING TO BE RELEASED FROM CUSTODY N HIS OWN RECOGNIZANCE UNDER THE SUPERVISION OF DEA OR THE FBI SO HAT HE COULD MAKE CONTACTS WITH A MEXICAN GENERAL INVOLVED IN ARCOTICS TRAFFIC WITH NEAL PEROZZI AND KEN HOFFMAN.

[redacted]



GE THREE LA 92-6360

WATSON AT THE REQUEST OF JUDGE WILLIAMS WAS CONTACTED BY A
PRESENTATIVE OF THE ORANGE COUNTY DA'S OFFICE AND HAS BEEN CONTACTED
/ OFFICERS OF THE SANTA ANA PD AND THE BUENA PARK PD. BOTH THE
ANGE COUNTY DA'S OFFICE AND THE SANTA ANA PD OPINED THAT THEY
LIEVED WATSON TO BE A "MENTAL CASE."

RECORDS ORANGE COUNTY SO REFLECT KENNETH RICHARD HOFFMAN
RESTED JANUARY 15, 1976, CHARGED WITH POSSESSION OF A CONTROLLED
BSTANCE FOR SALE, WAS BORN SEPTEMBER 06, 1953, IN CALIFORNIA,
ND HE IS AN UNEMPLOYED MECHANIC. HOFFMAN'S RESIDENCE AND THAT OF
IS WIFE, BERTHA HOFFMAN, WAS REFLECTED AS [redacted] COSTA
STA, CALIFORNIA. HOFFMAN WAS FURTHER DESCRIBED AS A MALE, CAUCASIAN,
'8", 240 POUNDS, BROWN HAIR, HAZEL EYES, MEDIUM COMPLEXION AND
VING CALIFORNIA DRIVERS LICENSE [illegible].

NO LEAD IS BEING SET OUT FOR INTERVIEW OF HOFFMAN AND THIS IS
ING LEFT TO DISCRETION OF THE OO.

FD 302 FOLLOWS.

ND

AFFIDAVIT OF GERALD ALCH

I, Gerald Alch, Esquire, being first duly sworn and upon oath depose and say:

I am an attorney at law, a member of the Massachusetts Bar, now practicing law in my own office located at One Center Plaza, Boston, Massachusetts. From 1968 until September 1974, I was an employee of F. Lee Bailey, Esquire, whose office was and still is located at One Center Plaza, Boston, Massachusetts.

This affidavit reflects my best recollection during the approximate period of July & August,1970 while employed by Mr. Bailey, of my activities, pursuant to Mr. Bailey's direction involving conversations had with Joseph Baron Barboza, now deceased, at the Massachusetts Correctional Institution at Walpole, Massachusetts.

During the above-specified period, I visited Mr. Barboza when he was confined at Walpole in maximum security cell block 10. I saw him on several occasions and pursuant to mandatory procedure, signed a visitor's slip identifying myself as an attorney and designating Mr. Barboza as the inmate I wished to see. The purpose of these visits was to interview Mr. Barboza with regard to the testimony he had given in the "Deagan" case in the Massachusetts Superior Court for Suffolk County. More specifically, my interviews with Mr. Barboza were centered upon the truth or falsity of allegations made by him at the Deagan trial with regard to the involvement of one Peter Limone, who, along with other defendants, was convicted of murder at said trial. To the best of my recollection, I was accompanied by Mr. Bailey on approximately two of these visits; the other interviews with Mr. Barboza I conducted alone.

EXHIBIT
639

In all of my interviews with Mr. Barboza, he stated to me that any testimony he had given in the trial of the Deagan case which in any way implicated Peter Limone, was false; that

EXHIBIT "2"

Mr. Limone was neither present at the time of the commission of said crime, nor had any knowledge thereof and was in no way involved under circumstances which could classify him as an accessory before or after the fact.

Mr. Barboza further related to me that he had found himself in a position where he deemed it to his best advantage to cooperate with law enforcement officials, both state and federal, in order to obtain from them a new identity, geographical relocation and financial assistance. He told me that his implication of Mr. Limone, both in his interviews with the prosecutor and in his trial testimony, was not true and was motivated by his belief that by falsely implicating Limone, he would be in a more advantageous position with regard to the benefits he hoped to receive from law enforcement authorities. On at least one of my interviews with him at Walpole, he indicated that he had in his possession (the whereabouts of which he refused to disclose) notes which he utilized for testimony preparation purposes, the margins of which reflected handwritten emphasis on Limone's alleged implication.

To the best of my recollection, his explanation of how he came to implicate Mr. Limone was as follows:

During his conversation with prosecution officials he was interrogated with regard to whether or not Mr. Limone was involved in the homicide in such a way as to cause him to believe that by so incriminating Mr. Limone, he would be strengthening his position with regard to the promises made to him by the authorities as hereinabove described. He was unequivocal in stating to me that all of his testimony pertaining to Limone was false and that in view of his belief that the promises made to him had not been kept, he felt no longer obligated to adhere to his false implication of Limone.

As a result of these interviews, an affidavit was eventually prepared for his signature, which, to the best of my recollection, was brought up to him at Walpole by my then associate Colin W. Gillis, Esquire, before whom he acknowledged the contents thereof to be true and did execute said affidavit.

This affidavit is being made at the request of Attorney Joseph Hemmelly, and is based solely upon my recollection of the events hereinabove described. As of the date of this affidavit, I have conferred with no other individual involved in these events, nor have I been shown any documents for the purpose of refreshing my recollection.

Gerald Alch

GERALD ALCH, ESQUIRE

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK,SS. APRIL 9, 1976

Then personally appeared the above-named Gerald Alch, Esquire, and acknowledged the foregoing affidavit to be the truth to the best of his knowledge and belief before me,

Paula M. Dayal

NOTARY PUBLIC

My Commission Expires: 10/11/79

LAST WRITES

# Epitaph for a Hired Gun

By Hank Messick

## Barboza's last dance on the killing ground

5-76 Boston

Within hours after Joe Barboza, a man called "animal," was shotgunned to death on February 11th on the streets of San Francisco, attorney F. Lee Bailey was quoted as saying: "He told me he killed 26 people. With all due respect to my former client, I don't think society has suffered a great loss."

I disagree—and not just because Barboza hr ided Bailey a lot of "bullshit."

While I never met the stocky ex-boxer in person, I received from him many lonely letters in which he poured out his soul and dissected his past. I also talked to him on the phone several times following his parole from a California prison on October 30, 1975. And I knew [redacted] the woman who loved him in life and took his body back to New Bedford for burial.

Joe was a proud man, as proud as Bailey, whom he described as "a super egomaniac." They met in 1965. Barboza said he became angry when Bailey acted "superior"—"I banged my fist on his desk and told him that while he was nationally famous and I was just a little man, the important thing he lost sight of was that we were both *men*. I wasn't one of the robots in his office. Then I walked out, and he came after me and told me to come back, and after that we got along better."

According to Barboza, their last meeting took place "on or about July 13, 1970," in the New Bedford dining room of a well-known gangster. In the five-year interval Joe had become a federal witness, and his testimony had put Raymond Patriarca, alleged boss of the New England Mafia family known as the "Office," in prison. Joe had been paroled and had located in California under a new legal name. By coming east to see Bailey, he was violating his parole. He was also risking his life and he took precautions:

"Beside me in the chair was a .30



caliber M-1 with a folding stock, a sawed-off shotgun, a .45 pistol and, in my pocket, was a .25 automatic."

"Stop these James Bond moves," Joe remembered Bailey saying. But Barboza refused to get rid of the weapons. "I don't trust nobody," he told Bailey.

They were meeting to discuss a Mafia proposal that Barboza recant his previous testimony in exchange for $500,000 and his life. (Joe said that upon receiving the offer, he had asked the Mafia to provide a reputable attorney to arrange the deal, and, according to Barboza, Bailey was the one who got the job.) The lawyer claimed he wasn't concerned with the money angle, but he gave Joe an envelope containing eight $100 bills, which, he said, had been left in his office to cover Joe's expenses. Barboza told me that he didn't intend to recant; he planned to get a big down-payment on the half million and then disappear somewhere. So he gave Bailey some "worthless documents" and a "bullshit" promise to cause "a scandal that will shake the federal government." Bailey, he added, became "excited" and said, "This may be my biggest case yet."

A few nights later, racial disorders broke out in New Bedford, and police stopped Joe at a roadblock. They found a gun and took him to jail, where he was identified. While being held, he was "tricked"—his word—into telling a fellow prisoner about killing a man in self-defense in California. The prisoner squealed, and Barboza was sent west to be tried; he was convicted of second-degree murder and sentenced to five years-to-life.

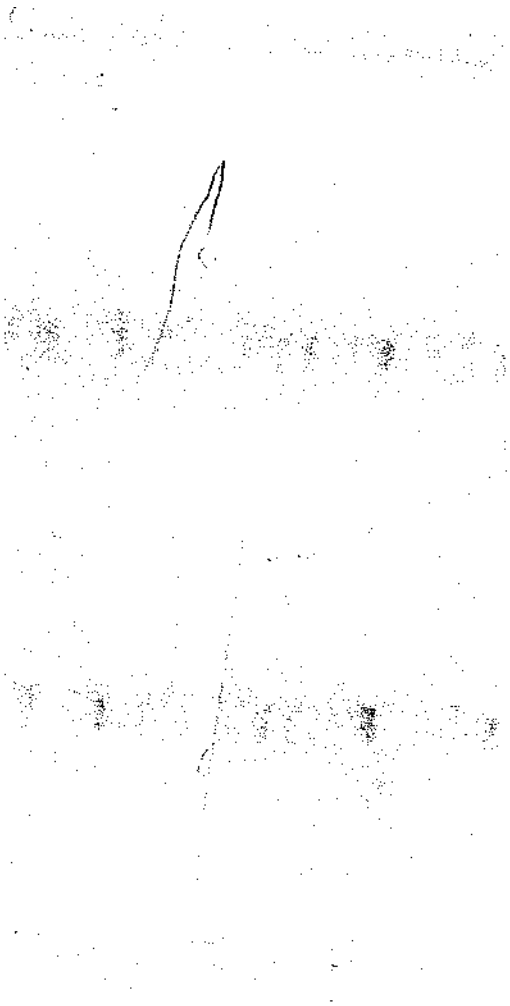
While in prison, he wrote a collection of stories concerned mainly with Boston's famous gang war of the 1960s. For a man of little formal education, he wrote well, displaying real narrative ability. In time he smuggled out the manuscript, [redacted] typed it and, on the recommendation of former Boston Strike Force chief Edward F. Harrington, brought it to me to make into a book. Since I had hundreds of questions, Joe and I began exchanging long letters each week. Some answers he didn't want to put on paper, where official eyes might see them. So he told them to [redacted] and she passed them on.

Putting the book together wasn't easy. Joe was moved repeatedly within the California prison system as his old identity was discovered and plots made against his life. He spent a year on loan to Montana, but even at isolated Deer Lodge, a gun was smuggled inside the walls to kill him. He was then returned to California. The pressures made Joe irritable at times, impatient for results on the book, and often he was certain I was going to screw him. But thanks largely to [redacted] he gradually began to trust me. When the galley *proofs* finally reached his cell, he was delighted. He even began suffering from first-book delusions of grandeur, and I had to cut him down a bit to keep him writing on a second manuscript we had projected. When he complained about a callous on his thumb from pencil pushing, I welcomed him to the club and listed other ailments common to writers: aching backs, strained eyes, bnils on the bottom, etc. It made him laugh. *(continued on page 137)*

*Hank Messick was the co-author, with Joe Barboza Baron, of* Barboza, *published by Dell. An excerpt from that book appeared in* [illegible] *Boston.*



EXHIBIT 640



Continued from page 18A

So what kind of person was Joe Barbora? He was proud of his physical strength and boxing ability, just as he was proud of those other skills he had needed to survive in the jungle. There, conventional morality didn't matter. More important was the quality the Mafia calls *omerta*: manliness. For Joe it meant being loyal to people who were loyal to him; it meant defending one's rights; it meant respecting women because, physically at least, women were weaker.

Barbora fascinated women. After reading his book, several apparently respectable and intelligent women called me long-distance, asking to meet him. [redacted], a usually patient and reasonable person, became enraged when I told her—she was ready to fight any female who tried to steal her man. She believed that she had tamed the "animal" and that they could build a peaceful life in a remote area where Barbora was unknown.

Until his parole last October, Joe seemed to share that dream. But in his last conversation with me, shortly before he was blasted, he talked of other things. He had made contact with old friends in Boston and, apparently, with old enemies as well. That offer of $500,000 to recant his testimony was still open, he said, and he wondered why. He was running out of money. We talked about the second book, and he promised to come to my home and help put it together.

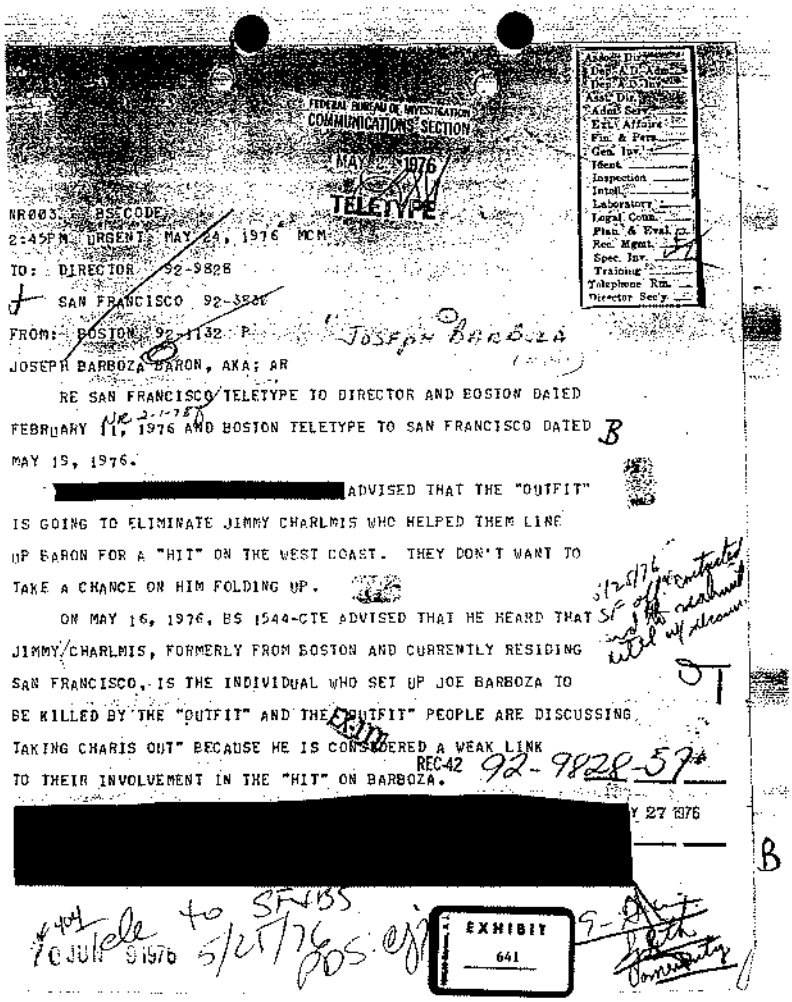
Worried about Joe, I made inquiries. What I heard worried me more. In Boston others shared my doubts that the animal was tamed. Survivors of the gang war had moved into the vacuum created when the "Office" was exposed. Some were former followers of Barbora, and they feared Joe would return to reclaim leadership, wealth and power he felt his due. That could cause another gang war; people would die and, besides, it would be bad for business.

It's my theory that Joe was killed not for what he had done, but for what he might do. The men who knew him best feared him most—and they eliminated him. Frankly, I think he half expected it. In one of several poems he wrote is this verse:

*Life turns on you in so many ways,*
*who can predict its end?*
*We are born to die and death may come*
*at the hand of a friend.*

For Joe Barbora I'll give the epitaph he supplied after his pal, Buddy McLean, was shot. "A *man* is dead."

■ ■



FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
MAY 24 1976
TELETYPE

NR003 BS CODE
2:45PM URGENT MAY 24, 1976 MCM

TO: DIRECTOR 92-9828
SAN FRANCISCO 92-5526
FROM: BOSTON 92-1132 P
JOSEPH BARBOZA BARON, AKA; AR

RE SAN FRANCISCO TELETYPE TO DIRECTOR AND BOSTON DATED FEBRUARY 11, 1976 AND BOSTON TELETYPE TO SAN FRANCISCO DATED MAY 19, 1976.

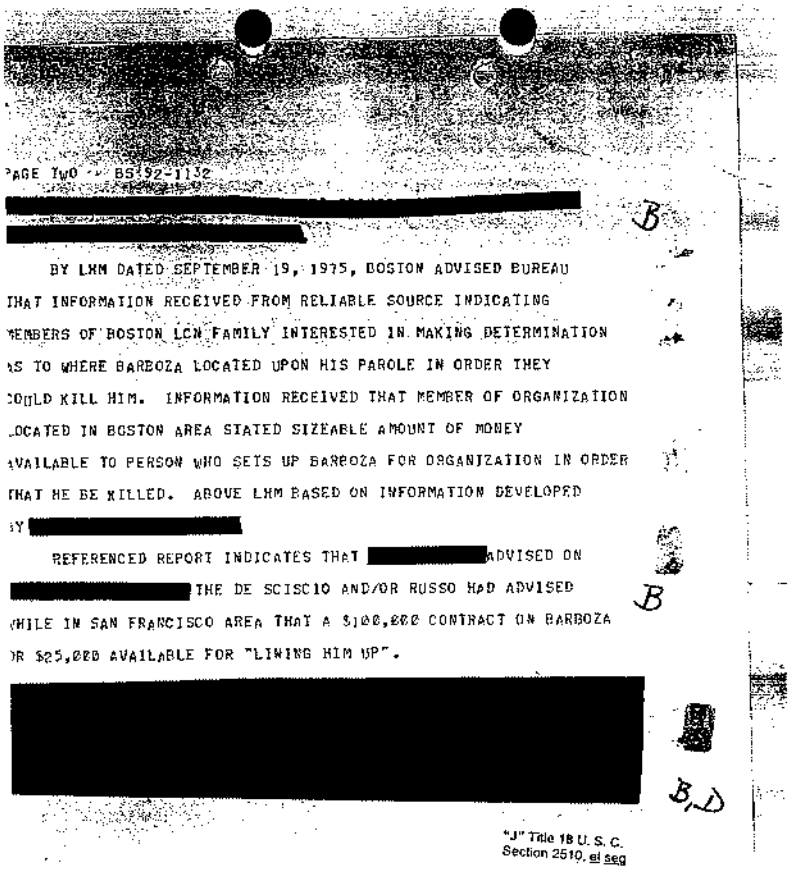
[redacted] ADVISED THAT THE "OUTFIT" IS GOING TO ELIMINATE JIMMY CHARLMIS WHO HELPED THEM LINE UP BARON FOR A "HIT" ON THE WEST COAST. THEY DON'T WANT TO TAKE A CHANCE ON HIM FOLDING UP.

ON MAY 16, 1976, BS 1544-CTE ADVISED THAT HE HEARD THAT JIMMY CHARLMIS, FORMERLY FROM BOSTON AND CURRENTLY RESIDING SAN FRANCISCO, IS THE INDIVIDUAL WHO SET UP JOE BARBOZA TO BE KILLED BY THE "OUTFIT" AND THE "OUTFIT" PEOPLE ARE DISCUSSING TAKING CHARIS OUT" BECAUSE HE IS CONSIDERED A WEAK LINK TO THEIR INVOLVEMENT IN THE "HIT" ON BARBOZA.

REC-42 92-9828-57

[redacted]

EXHIBIT 641



PAGE TWO [redacted] B5192-1132

[redacted]

B

BY LHM DATED SEPTEMBER 19, 1975, BOSTON ADVISED BUREAU THAT INFORMATION RECEIVED FROM RELIABLE SOURCE INDICATING MEMBERS OF BOSTON LCN FAMILY INTERESTED IN MAKING DETERMINATION AS TO WHERE BARBOZA LOCATED UPON HIS PAROLE IN ORDER THEY COULD KILL HIM. INFORMATION RECEIVED THAT MEMBER OF ORGANIZATION LOCATED IN BOSTON AREA STATED SIZEABLE AMOUNT OF MONEY AVAILABLE TO PERSON WHO SETS UP BARBOZA FOR ORGANIZATION IN ORDER THAT HE BE KILLED. ABOVE LHM BASED ON INFORMATION DEVELOPED BY [redacted]

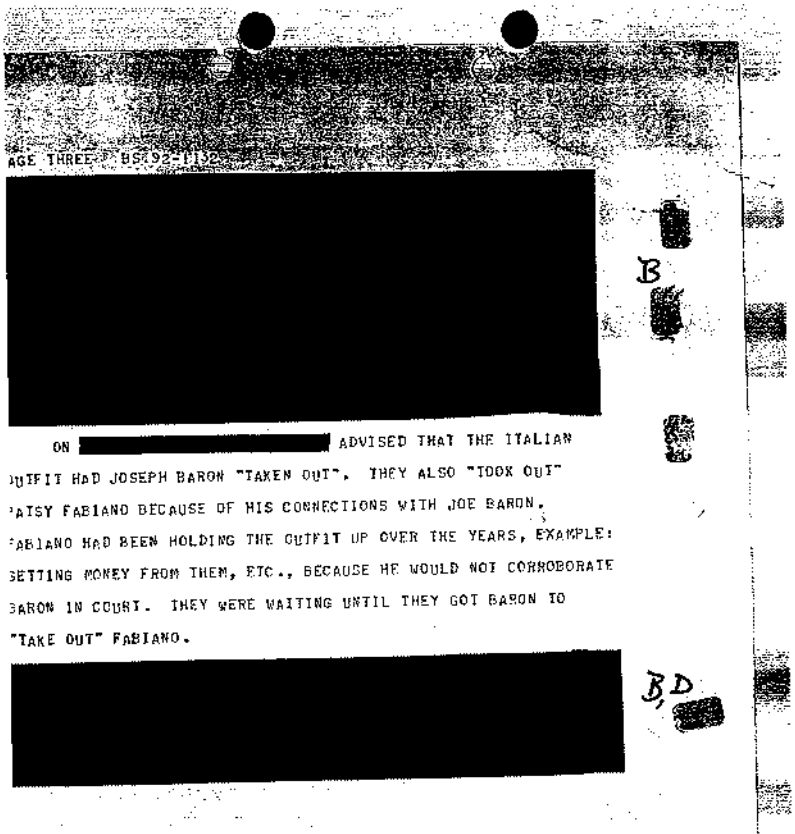
REFERENCED REPORT INDICATES THAT [redacted] ADVISED ON [redacted] THE DE SCISCIO AND/OR RUSSO HAD ADVISED WHILE IN SAN FRANCISCO AREA THAT A $100,000 CONTRACT ON BARBOZA OR $25,000 AVAILABLE FOR "LIFTING HIM UP".

B

[redacted]

B,D

"J" Title 18 U. S. C. Section 2510, et seq



AGE THREE [redacted] BS 92-1152

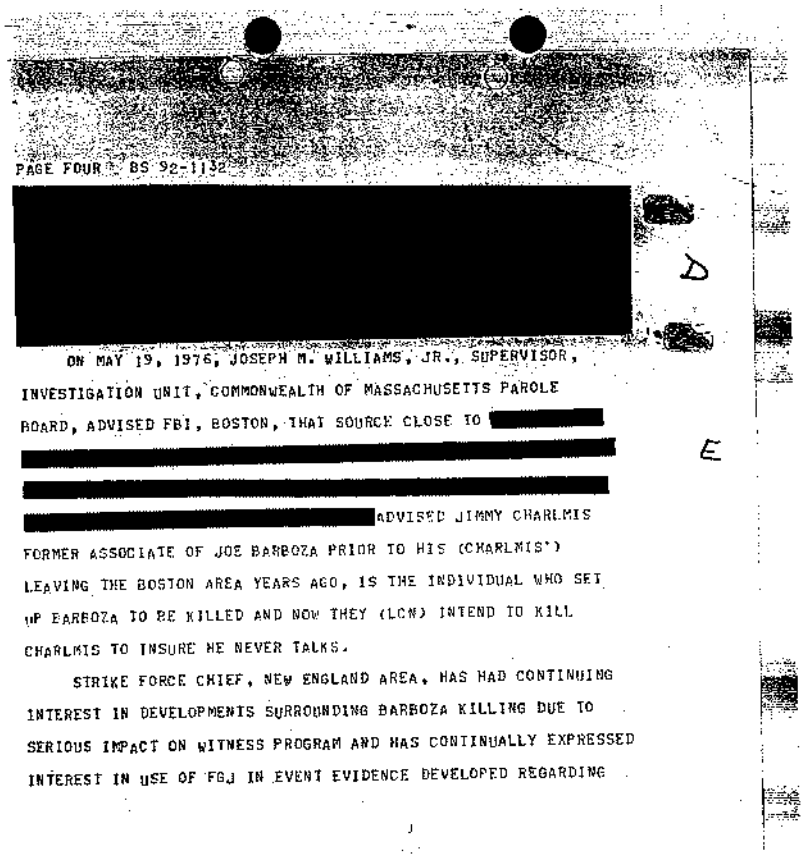
[redacted]

B

ON [redacted] ADVISED THAT THE ITALIAN OUTFIT HAD JOSEPH BARON "TAKEN OUT". THEY ALSO "TOOK OUT" PAISY 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.

[redacted]

B, D



PAGE FOUR BS 92-1132

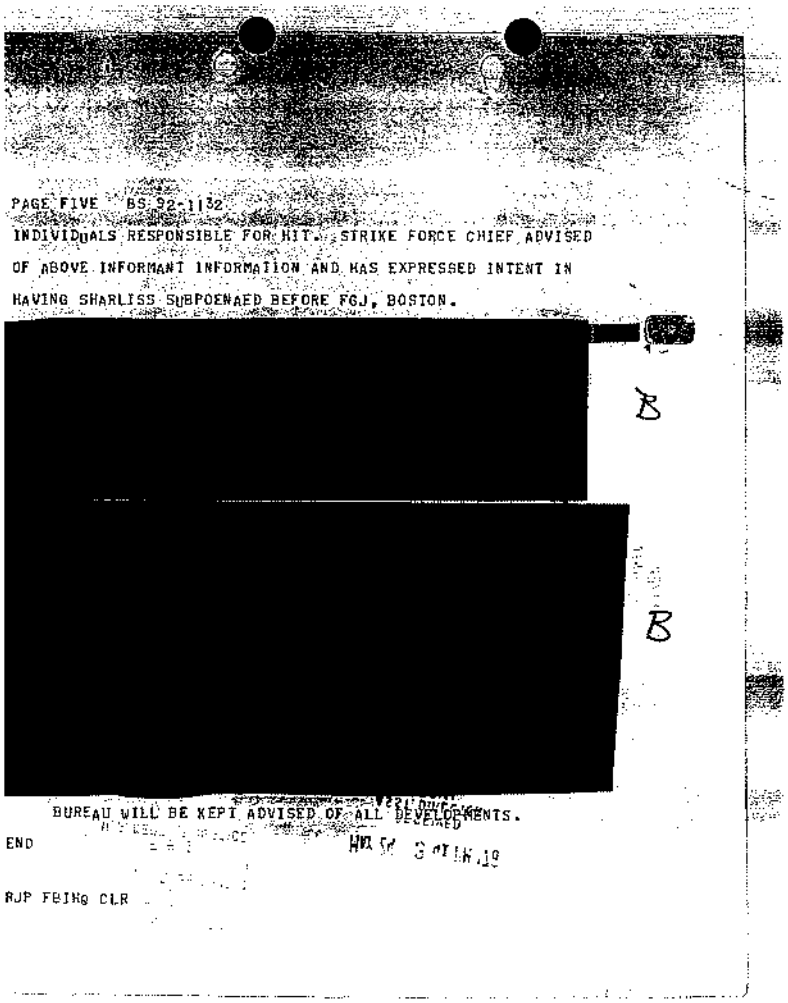
[redacted] D

ON MAY 19, 1976, JOSEPH M. WILLIAMS, JR., SUPERVISOR, INVESTIGATION UNIT, COMMONWEALTH OF MASSACHUSETTS PAROLE BOARD, ADVISED FBI, BOSTON, THAT SOURCE CLOSE TO [redacted]

[redacted] E

[redacted] ADVISED JIMMY CHARLMIS FORMER ASSOCIATE OF JOE BARBOZA PRIOR TO HIS (CHARLMIS') LEAVING THE BOSTON AREA YEARS AGO, IS THE INDIVIDUAL WHO SET UP BARBOZA TO BE KILLED AND NOW THEY (LCN) INTEND TO KILL CHARLMIS TO INSURE 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



PAGE FIVE BS 92-1132

INDIVIDUALS RESPONSIBLE FOR HIT. STRIKE FORCE CHIEF ADVISED

OF ABOVE INFORMANT INFORMATION AND HAS EXPRESSED INTENT IN

HAVING SHARLISS SUBPOENAED BEFORE FGJ, BOSTON.

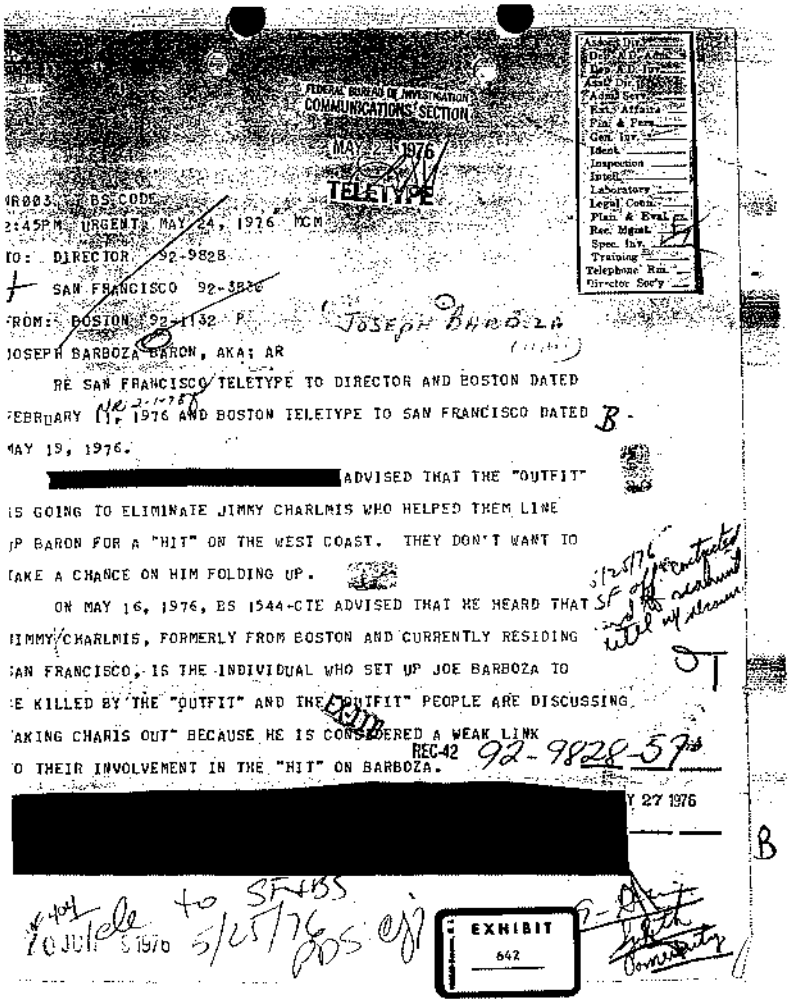
[redacted] B

[redacted] B

BUREAU WILL BE KEPT ADVISED OF ALL DEVELOPMENTS.

END

RJP FBIHQ CLR



FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
MAY 24 1976
TELETYPE

Assoc. Dir.
Dep. A.D.-Adm.
Dep. A.D.-Inv.
Asst. Dir.: Adm.
Asst. Dir.: Inv.
Admin. Serv.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Rec. Mgmt.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

WR003 BS CODE
2:45PM URGENT MAY 24, 1976 MCM

TO: DIRECTOR 92-9828

SAN FRANCISCO 92-3826

FROM: BOSTON 92-1132 P

JOSEPH BARBOZA BARON, AKA; AR

RE SAN FRANCISCO TELETYPE TO DIRECTOR AND BOSTON DATED FEBRUARY 17, 1976 AND BOSTON TELETYPE TO SAN FRANCISCO DATED MAY 19, 1976.

[redacted] ADVISED THAT THE "OUTFIT" IS GOING TO ELIMINATE JIMMY CHARLMIS 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.

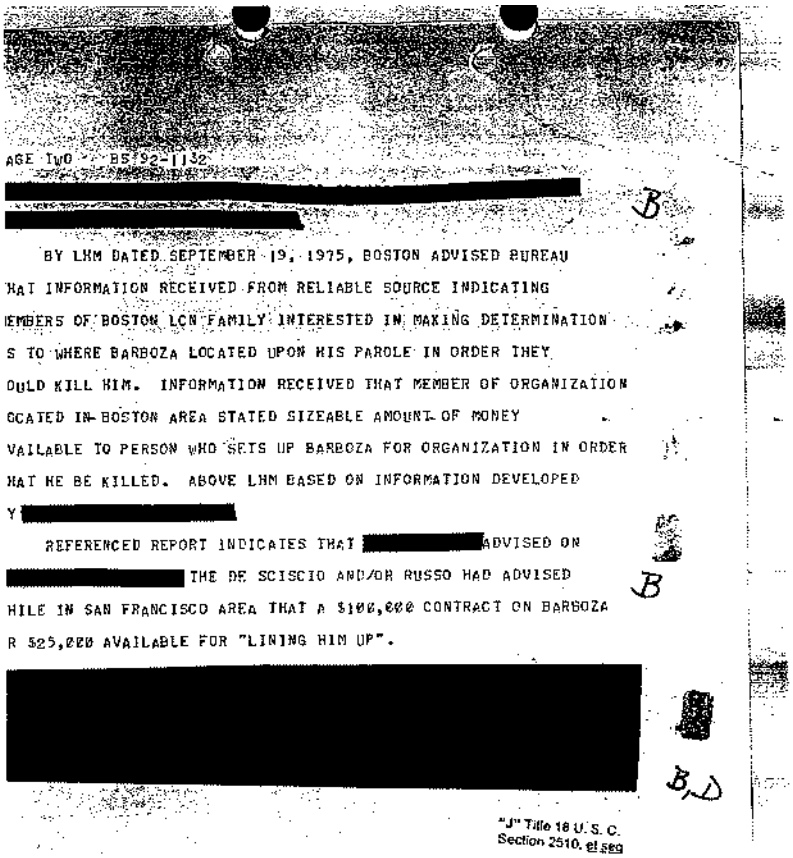
ON MAY 16, 1976, BS 1544-CTE ADVISED THAT HE HEARD THAT JIMMY CHARLMIS, FORMERLY FROM BOSTON AND CURRENTLY RESIDING SAN FRANCISCO, IS THE INDIVIDUAL WHO SET UP JOE BARBOZA TO BE KILLED BY THE "OUTFIT" AND THE "OUTFIT" PEOPLE ARE DISCUSSING "TAKING CHARIS OUT" BECAUSE HE IS CONSIDERED A WEAK LINK TO THEIR INVOLVEMENT IN THE "HIT" ON BARBOZA.

REC-42 92-9828-57

MAY 27 1976

[redacted]

EXHIBIT 642



AGE TWO BS 92-1132

[redacted]

B

BY LHM DATED SEPTEMBER 19, 1975, BOSTON ADVISED BUREAU
HAT INFORMATION RECEIVED FROM RELIABLE SOURCE INDICATING
EMBERS OF BOSTON LCN FAMILY INTERESTED IN MAKING DETERMINATION
S TO WHERE BARBOZA LOCATED UPON HIS PAROLE IN ORDER THEY
OULD KILL HIM. INFORMATION RECEIVED THAT MEMBER OF ORGANIZATION
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VAILABLE TO PERSON WHO SETS UP BARBOZA FOR ORGANIZATION IN ORDER
HAT HE BE KILLED. ABOVE LHM BASED ON INFORMATION DEVELOPED
Y [redacted]

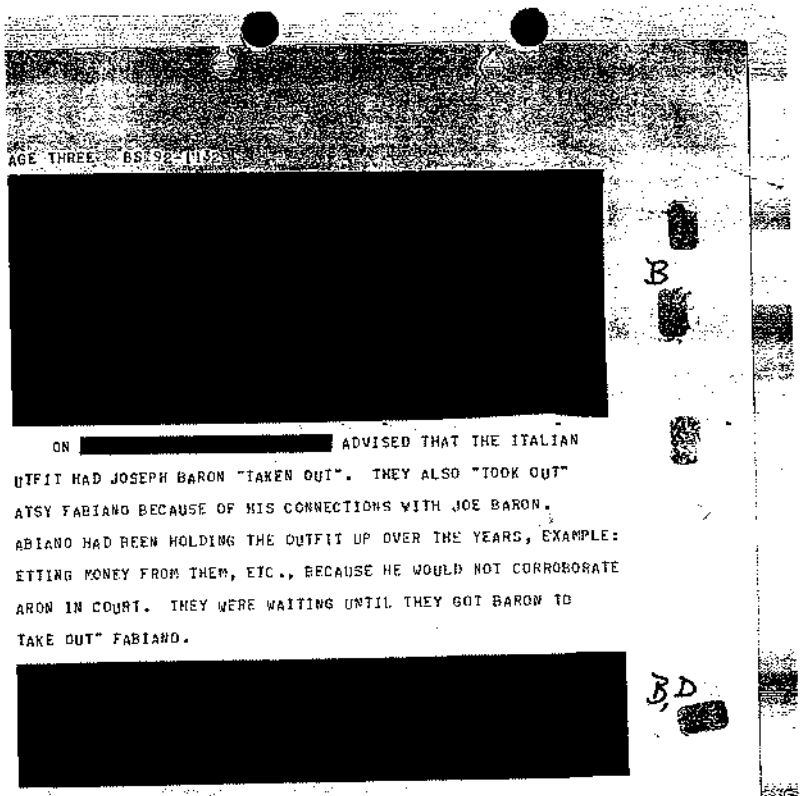
REFERENCED REPORT INDICATES THAT [redacted] ADVISED ON
[redacted] THE DE SCISCIO AND/OR RUSSO HAD ADVISED
HILE IN SAN FRANCISCO AREA THAT A $100,000 CONTRACT ON BARBOZA
R $25,000 AVAILABLE FOR "LINING HIM UP".

B

[redacted]

B,D

"J" Title 18 U. S. C.
Section 2510, et seq



AGE THREE BS 92-1132

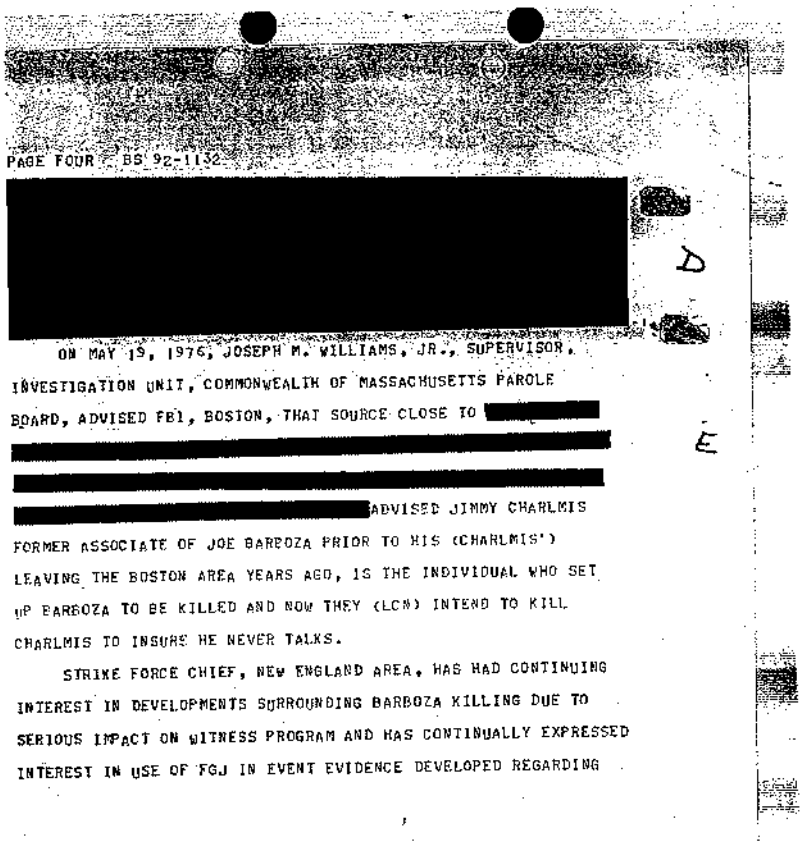
[redacted]

B

ON [redacted] ADVISED THAT THE ITALIAN UTFIT HAD JOSEPH BARON "TAKEN OUT". THEY ALSO "TOOK OUT" ATSY FABIANO BECAUSE OF HIS CONNECTIONS WITH JOE BARON. ABIANO HAD BEEN HOLDING THE OUTFIT UP OVER THE YEARS, EXAMPLE: ETTING MONEY FROM THEM, ETC., BECAUSE HE WOULD NOT CORROBORATE ARON IN COURT. THEY WERE WAITING UNTIL THEY GOT BARON TO TAKE OUT" FABIANO.

[redacted]

B,D



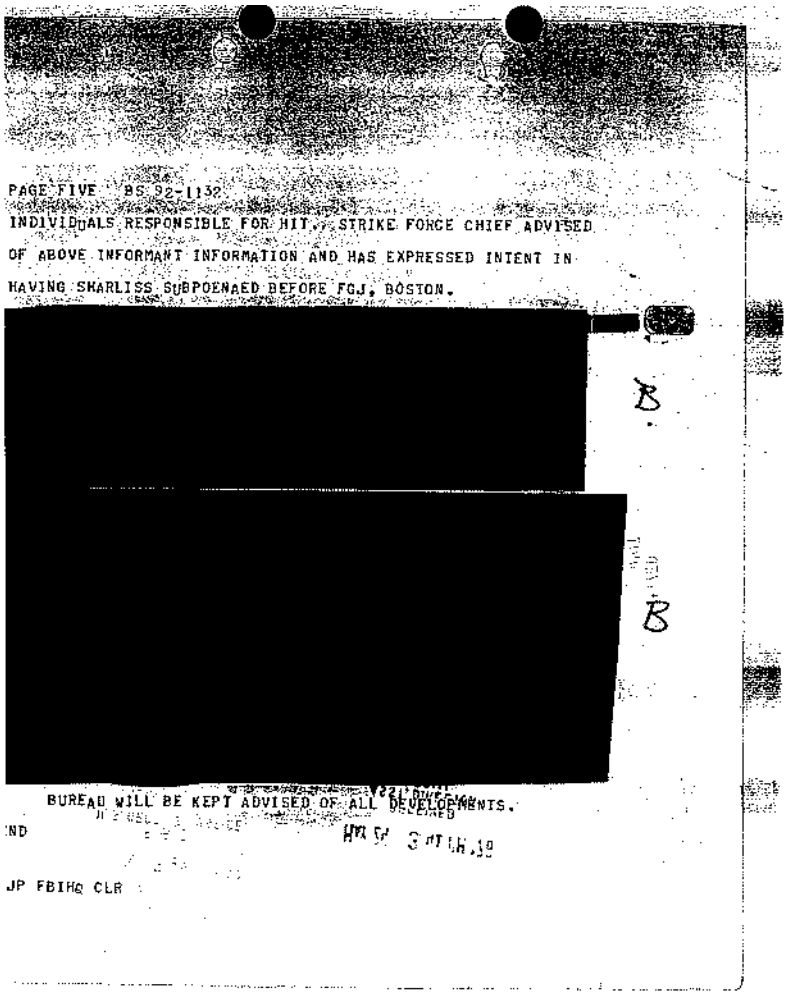


[redacted]

ON MAY 19, 1976, JOSEPH M. WILLIAMS, JR., SUPERVISOR, INVESTIGATION UNIT, COMMONWEALTH OF MASSACHUSETTS PAROLE BOARD, ADVISED FBI, BOSTON, THAT SOURCE CLOSE TO [redacted]

[redacted] ADVISED JIMMY CHARLMIS FORMER ASSOCIATE OF JOE BARBOZA PRIOR TO HIS (CHARLMIS') LEAVING THE BOSTON AREA YEARS AGO, IS THE INDIVIDUAL WHO SET UP BARBOZA TO BE KILLED AND NOW THEY (LCN) INTEND TO KILL CHARLMIS TO INSURE 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



PAGE FIVE BS 92-1132

INDIVIDUALS RESPONSIBLE FOR HIT. STRIKE FORCE CHIEF ADVISED

OF ABOVE INFORMANT INFORMATION AND HAS EXPRESSED INTENT IN

HAVING SKARLISS SUBPOENAED BEFORE FGJ, BOSTON.

[redacted]

B

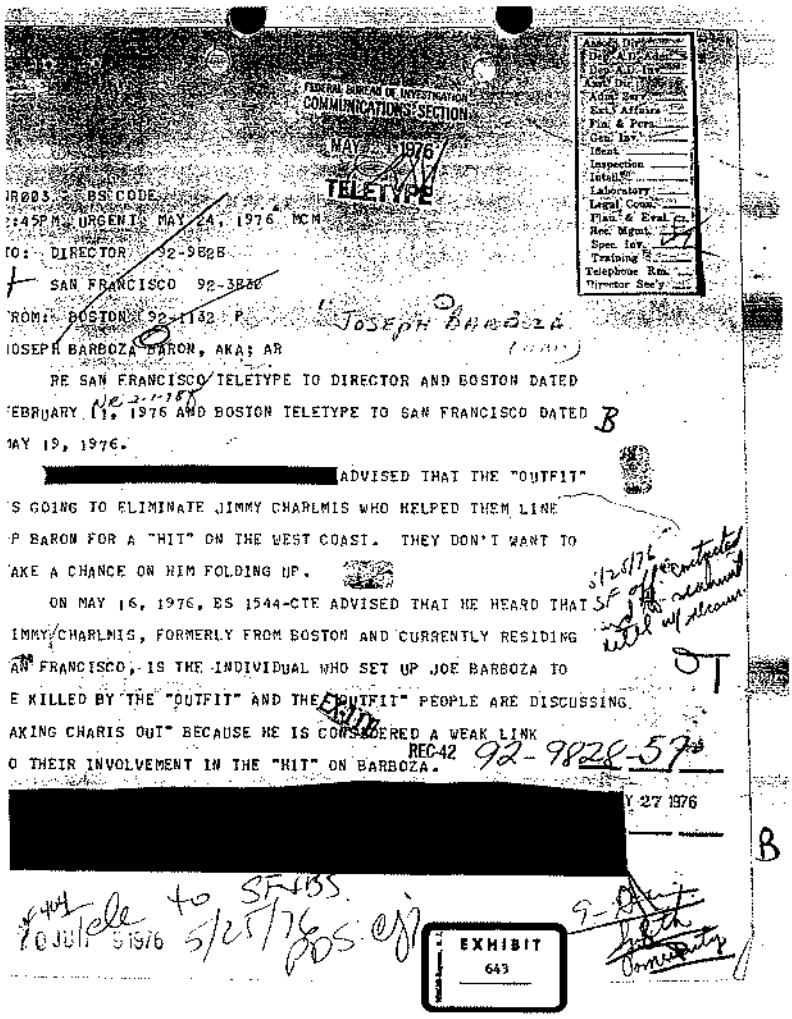
[redacted]

B

BUREAU WILL BE KEPT ADVISED OF ALL DEVELOPMENTS.

END

JP FBIHQ CLR



FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 25 1976

TELETYPE

JR003 BS CODE
:45PM URGENT MAY 24, 1976 MCM

TO: DIRECTOR 92-9828
SAN FRANCISCO 92-3880

FROM: BOSTON 92-1132 P

JOSEPH BARBOZA BARON, AKA; AR

RE SAN FRANCISCO TELETYPE TO DIRECTOR AND BOSTON DATED
FEBRUARY 11, 1976 AND BOSTON TELETYPE TO SAN FRANCISCO DATED
MAY 19, 1976.

[redacted] ADVISED THAT THE "OUTFIT"
S GOING TO ELIMINATE JIMMY CHARLMIS WHO HELPED THEM LINE
P BARON FOR A "HIT" ON THE WEST COAST. THEY DON'T WANT TO
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ON MAY 16, 1976, BS 1544-CTE ADVISED THAT HE HEARD THAT
IMMY CHARLMIS, FORMERLY FROM BOSTON AND CURRENTLY RESIDING
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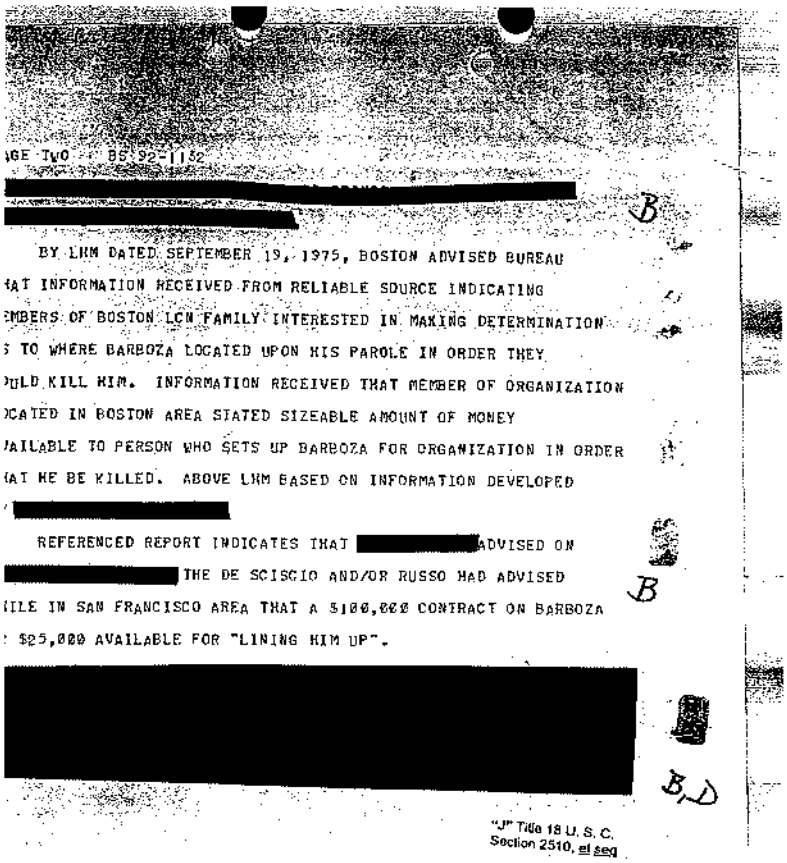
O THEIR INVOLVEMENT IN THE "HIT" ON BARBOZA.

REC-42 92-9828-57

Y 27 1976

[redacted]

EXHIBIT
643



AGE TWO BS 92-1152

[redacted]

BY LHM DATED SEPTEMBER 19, 1975, BOSTON ADVISED BUREAU
HAT INFORMATION RECEIVED FROM RELIABLE SOURCE INDICATING
EMBERS OF BOSTON LCN FAMILY INTERESTED IN MAKING DETERMINATION
S TO WHERE BARBOZA LOCATED UPON HIS PAROLE IN ORDER THEY
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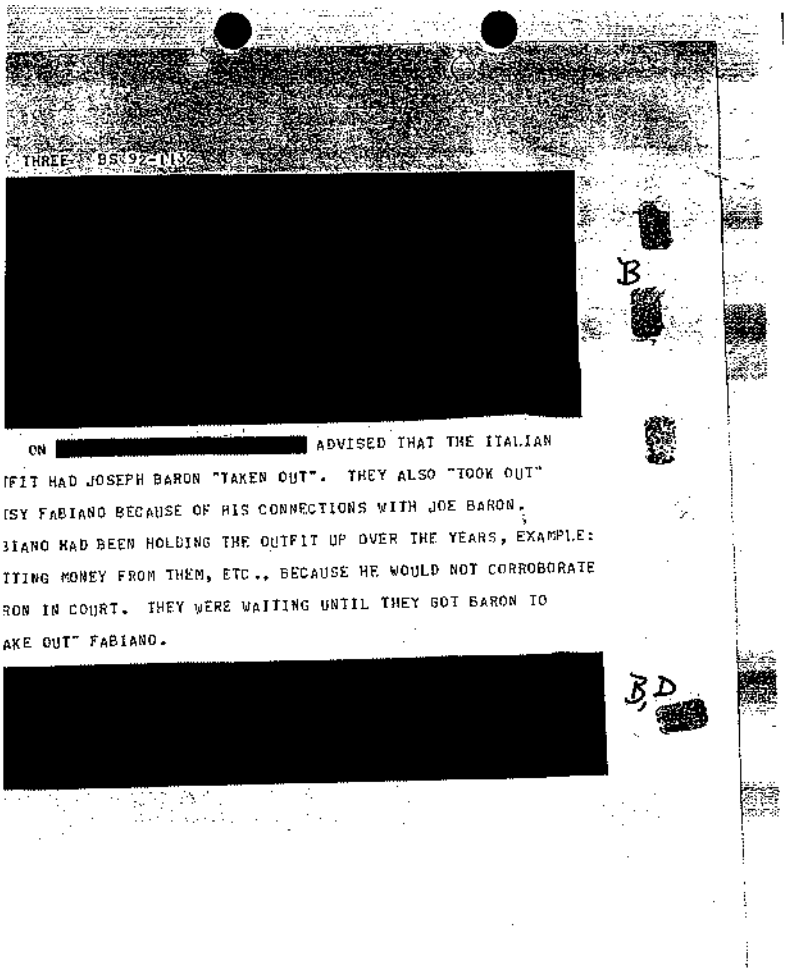
$25,000 AVAILABLE FOR "LINING HIM UP".

[redacted]

"J" Title 18 U. S. C.
Section 2510, et seq



THREE- BS 92-N

[redacted]

B

ON [redacted] ADVISED THAT THE ITALIAN
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[SY FABIANO BECAUSE OF HIS CONNECTIONS WITH JOE BARON.
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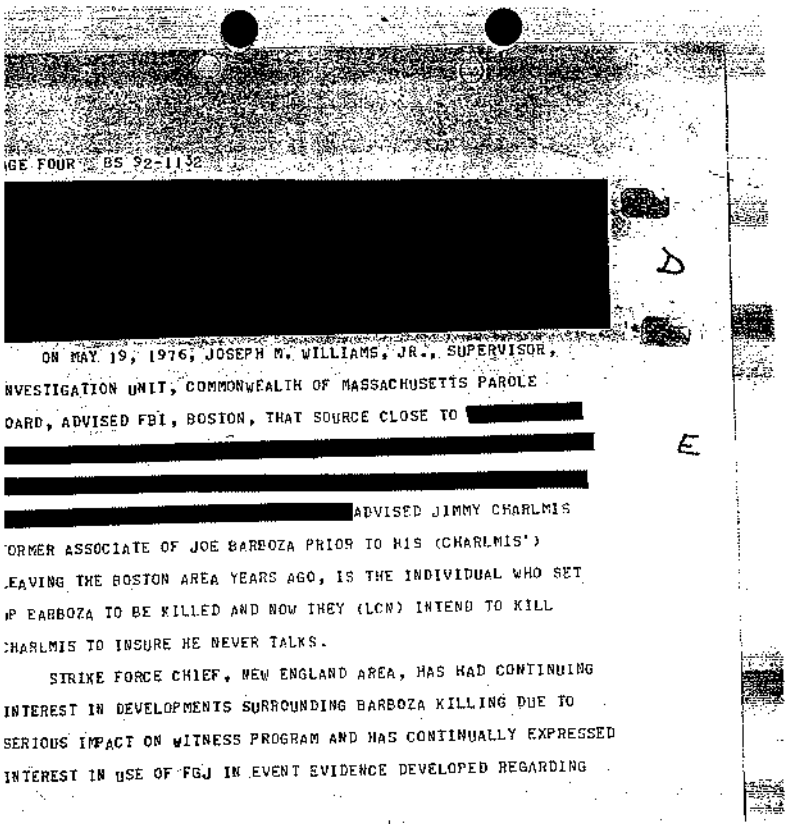
AKE OUT" FABIANO.

[redacted]

B,D





[redacted]

D

ON MAY 19, 1976, JOSEPH M. WILLIAMS, JR., SUPERVISOR, NVESTIGATION UNIT, COMMONWEALTH OF MASSACHUSETTS PAROLE OARD, ADVISED FBI, BOSTON, THAT SOURCE CLOSE TO [redacted]

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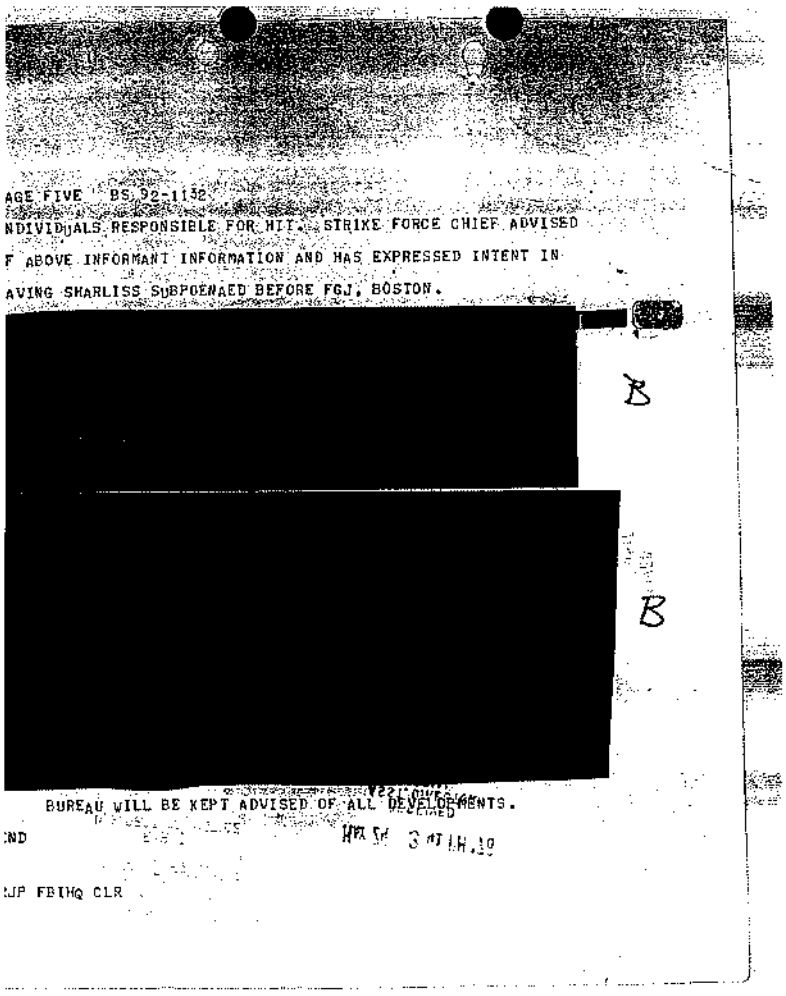


AGE FIVE BS 92-1132

NDIVIDUALS RESPONSIBLE FOR HIT. STRIKE FORCE CHIEF ADVISED

F ABOVE INFORMANT INFORMATION AND HAS EXPRESSED INTENT IN

AVING SHARLISS SUBPOENAED BEFORE FGJ, BOSTON.

[redacted]

B

[redacted]

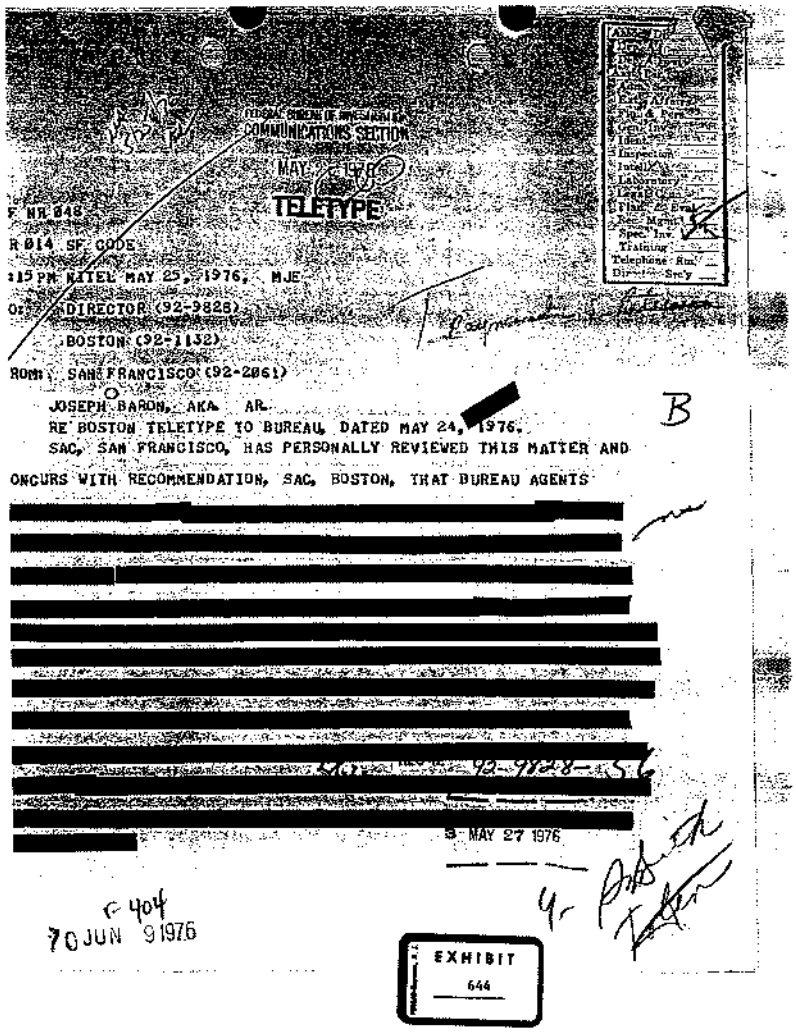
B

BUREAU WILL BE KEPT ADVISED OF ALL DEVELOPMENTS.

END

HOLD

JJP FBIHQ CLR



FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
MAY 1976
TELETYPE

F NR 048
R 014 SF CODE
:15 PM NITEL MAY 25, 1976, MJE
O: DIRECTOR (92-9828)
BOSTON (92-1132)
ROM: SAN FRANCISCO (92-2061)

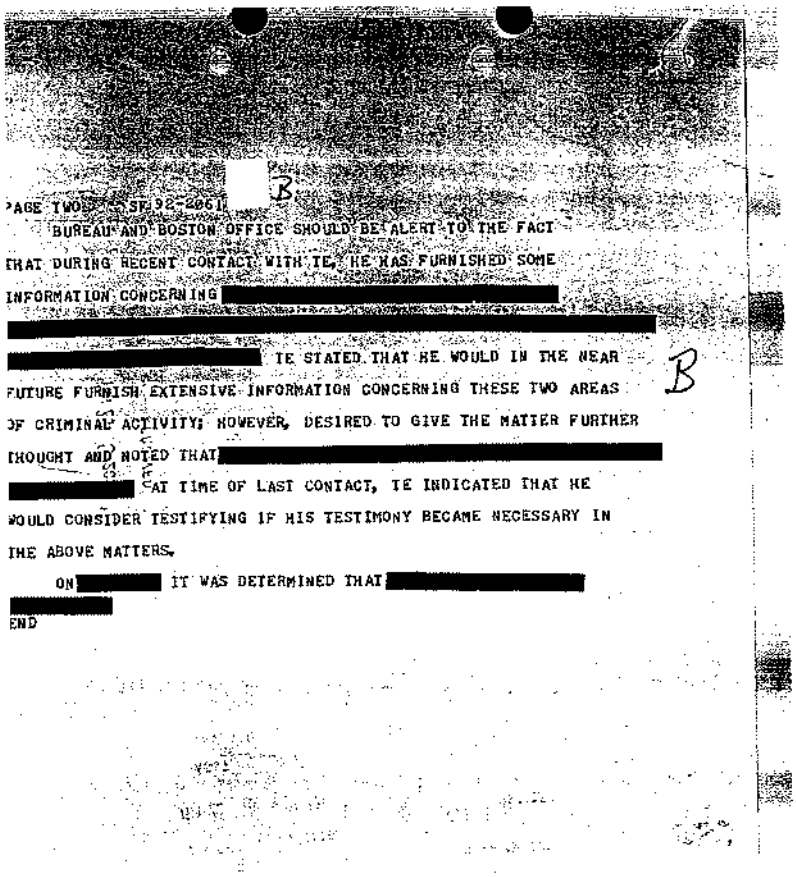
JOSEPH BARON, AKA AR.
RE BOSTON TELETYPE TO BUREAU, DATED MAY 24, 1976.
SAC, SAN FRANCISCO, HAS PERSONALLY REVIEWED THIS MATTER AND
ONCURS WITH RECOMMENDATION, SAC, BOSTON, THAT BUREAU AGENTS
[redacted]

92-9828-56

3 MAY 27 1976

F 404
70 JUN 9 1976

EXHIBIT
644



PAGE TWO SF 92-2061

BUREAU AND BOSTON OFFICE SHOULD BE ALERT TO THE FACT THAT DURING RECENT CONTACT WITH IE, HE HAS FURNISHED SOME INFORMATION CONCERNING [redacted] IE 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] AT TIME OF LAST CONTACT, IE INDICATED THAT HE WOULD CONSIDER TESTIFYING IF HIS TESTIMONY BECAME NECESSARY IN THE ABOVE MATTERS.

ON [redacted] IT WAS DETERMINED THAT [redacted]

END

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to File No.*

San Francisco, California

June 8, 1976

JOSEPH BARON
Also Known As
Joseph Barboza,
Joseph Delfel,
Joseph Bentley,
Joseph Donati,
Joseph Costa

On February 11, 1976 at 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, [redacted]. Baron was visiting Sharliss for several hours and was returning to his apartment where he was residing with his girlfriend, [redacted].

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.

Dr. Boyd Stevens, Coroners Office, San Francisco, stated that Baron died instantaneously. The autopsy disclosed thirty double OO buck shotgun pellets entered Baron's right side above the hip. Round number one traveled downward towards the groin, round number two went through his stomach, direction of travel was parallel to the ground, and round number three was fired after the body hit the ground. Round three traveled

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92-9428-60

ENCLOSURE

EXHIBIT 645

JOSEPH BARON
Also Known As
Joseph Barboza,
Joseph Delfel,
Joseph Bentley,
Joseph Donati,
Joseph Costa

through the aorta and upper chest cavity. The three shots represented one tight group approximately nine inches in diameter. A .30 caliber carbine was also fired from the van. The shot which missed Baron, entered his automobile and was recovered in the interior of the vehicle. A 1912 Winchester pump shotgun was recovered along with three expended shotgun shells, two unexpended shotgun shells still in the shotgun chamber, and one .30 caliber carbine casing.

The van, originally an Airporter Bus, was converted by the assailants. The first two rows of seats were removed. A blanket was strung over a wire directly behind the driver. The windows inside the van were spray painted with black paint. Peep holes were scratched out on the side and rear windows of the van. The van was dusted for fingerprints and a partial print, piece of hair and paper were recovered. The white piece of paper found under the driver's seat had a few words scribbled on it.

The van was subsequently identified as having belonged to a San Mateo, California barber, RICHARD LE-ANUES, who advertised and sold it through a San Mateo newspaper two weeks prior to the killing. A white male American using the name RANDY or RUDY, 20 to 25 years of age, 5' 8" to 5' 9", 155 to 165 pounds, shoulder length brown scraggly hair, sloppily dressed, paid $1,600 in $50 bills for the van.

During the first few weeks of their investigation, San Francisco Police Department (SFPD) Homicide Inspectors Stephen Maxoutopoulis and Hobert Nelson attempted to link the Baron murder to an incident which happened involving Baron during the week prior to the murder. Baron visited a local San Francisco pornographic film dealer, Don Palmer, at his store. Baron confronted Palmer with the fact that he owed him (Baron) $500 and then hit Palmer in the face with a smashing left hook. Palmer was knocked down and not seriously injured but did give Baron $500.

JOSEPH BARON
Also Known As
Joseph Barboza,
Joseph Delfel,
Joseph Bentley,
Joseph Donati,
Joseph Costa

The Baron - Palmer incident became known to the SFPD following Baron's murder. To date, the SFPD has concluded that Baron was attempting to set up some type of "protection racket" but efforts ceased due to his murder. Currently representatives of SFPD, Homicide Detail, have stated they have developed no worthwhile information which would "solve" the murder.

The glass windows inside the murder van were sent by the SFPD to the FBI Laboratory for analysis of various numbers and letters scratched into the black spray painted glass. On April 2, 1976, the FBI Laboratory advised that the windows were scratched by a mechanical pencil and that nothing could be deciphered.

[redacted]

JOSEPH BARON
Also Known As
Joseph Barboza,
Joseph Delfel,
Joseph Bentley,
Joseph Donati,
Joseph Costa

[redacted] D

Since the Baron murder, three Boston sources have advised that Sharliss is the individual who "set up" Baron. The Boston FBI Office further stated that Sharliss was going to be eliminated because of his involvement in the Baron murder and because the "organization" people felt that Sharliss would "open up".

As a result of the information provided by the Boston FBI Office, Sharliss was interviewed in San Francisco. On May 27, 1976, Sharliss was made aware that he was going to be eliminated and initially Sharliss denied any involvement or knowledge concerning the Baron murder. On May 28, 1976, Sharliss was re-interviewed. He admitted that during November, 1975, he furnished LCN figure Joseph Russo of Boston, information as to Sharliss' address at San Francisco and that 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, denied knowing who handled the hit. He denied receiving any money, consideration, or favors.

Investigation at San Francisco is continuing.

4K

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to File No.*

San Francisco, California

June 8, 1976

JOSEPH BARON
Also Known As
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Joseph Delfel,
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Joseph Donati,
Joseph Costa

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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.

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92-912P-60

ENCLOSURE

EXHIBIT 646

JOSEPH BARON
Also Known As
Joseph Barboza,
Joseph Deifel,
Joseph Bentley,
Joseph Donati,
Joseph Costa

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D

JOSEPH BARON
Also Known As
Joseph Barboza,
Joseph Delfel,
Joseph Bentley,
Joseph Donati,
Joseph Costa

[redacted] D

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Investigation at San Francisco is continuing.

4K

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 99-10428 - WGT |
| | : | |
| v. | : | Racketeering |
| | : | (18 U.S.C. §1962(c)) |
| JOHN J. CONNOLLY, JR. and | : | |
| STEPHEN FLEMMI | : | Racketeering Conspiracy |
| | : | (18 U.S.C. §1962(d)) |
| | : | |
| | : | Conspiracy to Obstruct Justice |
| | : | (18 U.S.C. §371) |
| | : | |
| | : | Obstruction of Justice |
| | : | (18 U.S.C. §§1503, 1512) |
| | : | |
| | : | False Statement |
| | : | (18 U.S.C. §1001) |

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE - Racketeering
(John J. Connolly, Jr.)

GENERAL ALLEGATIONS

1. From November 1968 to December 1990, the defendant JOHN J. CONNOLLY JR. ("CONNOLLY") was a Special Agent of the Federal Bureau of Investigation ("FBI"). From February 1973 until his retirement in December 1990, CONNOLLY was assigned to the Boston Field Office of the FBI.

2. At all times material to this Indictment, the "Winter Hill Gang" was a clandestine



affairs of the Enterprise through a pattern of racketeering activity, that is, the commission of Racketeering Acts One through Fourteen, as described below.

THE PATTERN OF RACKETEERING ACTIVITY

22. The pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisted of the following acts:

A. BRIBERY

**Racketeering Act #1**

23. In about June 1976, the exact date being unknown, in the District of Massachusetts, CONNOLLY, being a public official, corruptly received, accepted, and agreed to receive and accept from Bulger and Flemmi a thing of value, that being a diamond ring, in return for being induced to do and omit to do acts in violation of his official duty, specifically to divulge confidential and sensitive law enforcement information in order to protect Bulger's and Flemmi's ongoing criminal activities in violation of his official duty, in violation of Title 18, United States Code, Sections 201(c) (later re-codified as 201(b)) and 2.

**Racketeering Act #2**

24. Beginning in the latter part of 1981 or early 1982, the exact date being unknown, in the District of Massachusetts, CONNOLLY, Bulger and Flemmi did corruptly give a thing of value, that being a case of fine wine, to a public official, that being Supervisory Special Agent John Morris, to induce such public official to do and omit to do acts in violation of his official duty, specifically to divulge confidential and sensitive law enforcement information in order to protect Bulger's and Flemmi's ongoing criminal activities in violation of his official duty, in violation of Title 18, United States Code, Sections 201(b) and 2.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

*In Reply, Please Refer to File No.*

San Francisco, California

December 16, 1976

JOSEPH BARON
Also Known As
Joseph Barboza,
Joseph Delfel,
Joseph Bentley,
Joseph Donati,
Joseph Costa

During June, 1976, Theodore James Sharliss was interviewed concerning information he had regarding the Baron murder. Upon release from the California State Prison on October 30, 1975, Baron lived at Sharliss' residence from November 1, to November 15, 1975. Baron later moved to an apartment with his girlfriend [redacted]. Baron visited with Sharliss daily and was murdered on February 11, 1976 just outside Sharliss' residence at [redacted], San Francisco, California.

Sharliss advised that during the latter part of November, 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. Russo replied "You'll know him, he has the same initial as you "J" and he will meet you near the reservations desk in about an hour. He will be dressed in a red plaid jacket". It is noted that Sharliss uses an alias of James Chalmas.

Sharliss kept the meeting and the individual met 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

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92-9828-

ENCLOSURE

EXHIBIT
648

JOSEPH BARON

$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 stated he had no further personal contact with Russo and noted that he has no idea how Russo traveled to or from San Francisco, or where he stayed while here. He admitted talking with Russo by telephone on a number of occasions after the November, 1975 contact including a day or two before Baron was killed. Russo, during a number of these calls asked "Is that lying bum still out there". Sharliss affirmed that Baron continued to reside in San Francisco and visited his house practically every day.

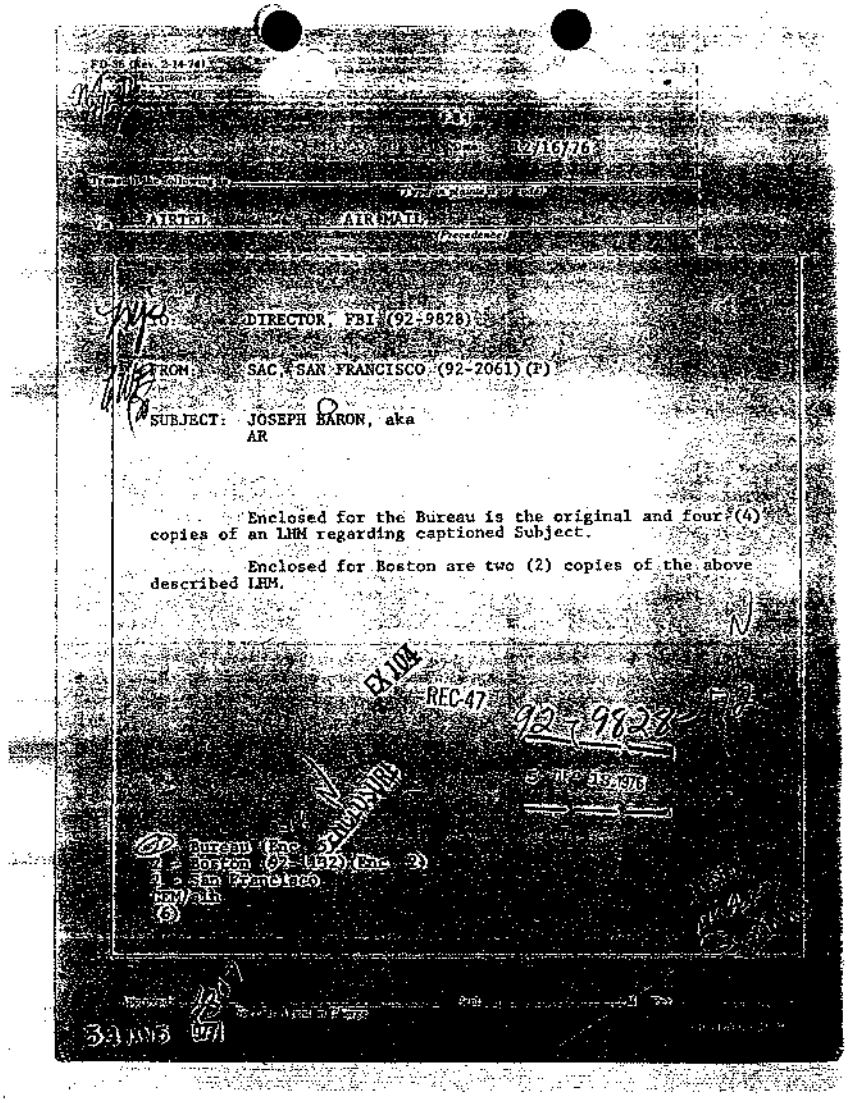
During October, 1976, John F. Loewe contacted the San Francisco Federal Bureau of Investigation Office and related he had been a close associate of Sharliss for the past three years, and through Sharliss, became acquainted with Baron. Loewe related that during January, 1976, he accompanied Sharliss to the Hilton Inn, San Francisco International Airport (SFIA). Sharliss, during the drive back to his residence, disclosed that one of the individuals he had just met with was Larry Baione, the number two man in the Boston LCN. Loewe believes Sharliss mentioned the name of the other individual, however, he cannot recall the 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.

Loewe recently advised that during late March or early April, 1976, that Sharliss met with the same two individuals at the SFIA Hilton Inn. Loewe remembers the time period because Sharliss picket Loewe up at the airport the same day that Sharliss met the two individuals. (Investigation conducted by the San Francisco Office shows that Loewe flew from Las Vegas to San Francisco on the evening of Friday, April 2, 1976.) Sharliss met Loewe at the airport and on the ride home to Sharliss' residence, learned that Sharliss had

JOSEPH BARON

been to the airport, at least once, possibly twice that morning. Loewe arrived at Sharliss' residence and Sharliss returned to the airport. He told Loewe that he had another meeting scheduled with the two individuals from Boston. The purpose of the meeting was for Sharliss to collect some $5,000 for lining up Baron. Sharliss later told Loewe that he did not get the $5,000 and has never received any money.

Hotel registration records at the SFIA Hilton Inn show nothing for the time periods in question for Larry Baione or Joseph Russo. [redacted]



FD-36 (Rev. 2-14-74)

12/16/76

Transmit the following in

(Type in plaintext or code)

Via AIRTEL AIR MAIL

(Precedence)

TO: DIRECTOR, FBI (92-9828)

FROM: SAC, SAN FRANCISCO (92-2061) (P)

SUBJECT: JOSEPH BARON, aka
AR

Enclosed for the Bureau is the original and four (4) copies of an LHM regarding captioned Subject.

Enclosed for Boston are two (2) copies of the above described LHM.

EX 104

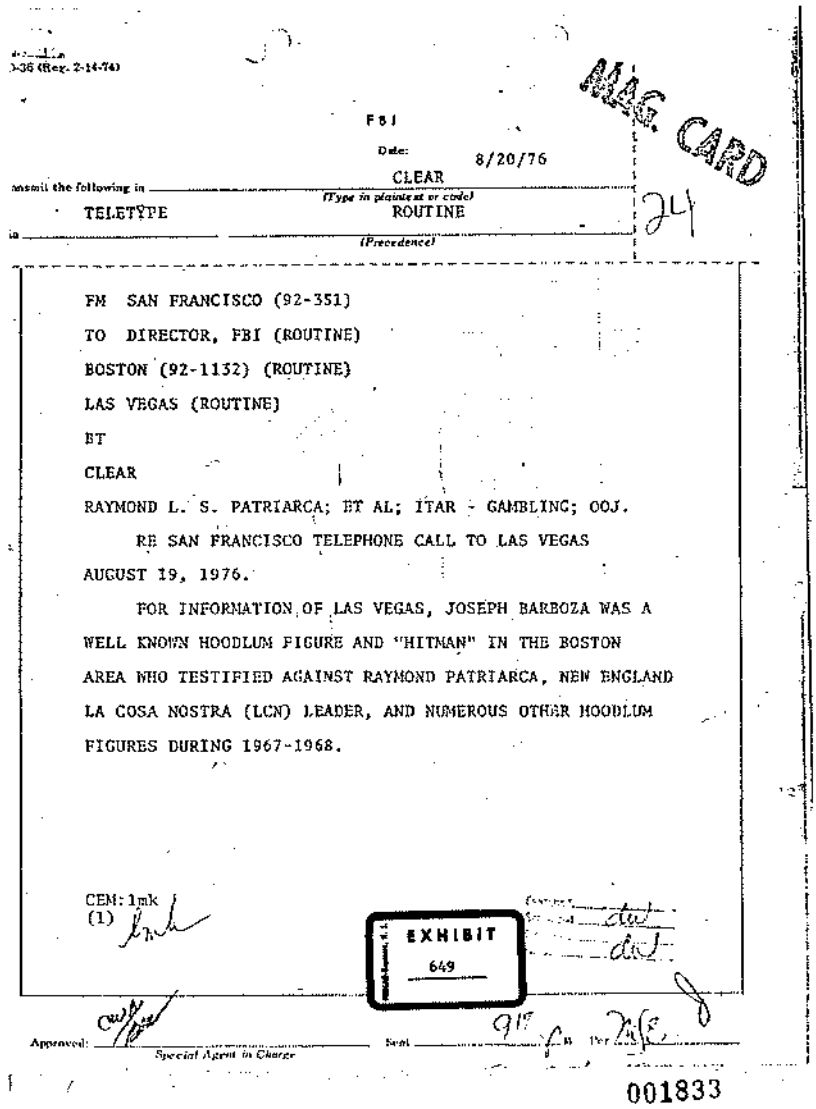
REC-47

92-9828

3 DEC 13 1976

Bureau (Enc. 5)
2 - Boston (92-1132) (Enc. 2)
1 - San Francisco
TEM/ain
(6)

34 JAN 5 1977



FBI

Date: 8/20/76

Transmit the following in CLEAR (Type in plaintext or code)

Via TELETYPE ROUTINE (Precedence)

MAG. CARD

24

FM SAN FRANCISCO (92-351)

TO DIRECTOR, FBI (ROUTINE)

BOSTON (92-1132) (ROUTINE)

LAS VEGAS (ROUTINE)

BT

CLEAR

RAYMOND L. S. PATRIARCA; ET AL; ITAR - GAMBLING; OOJ.

RE SAN FRANCISCO TELEPHONE CALL TO LAS VEGAS AUGUST 19, 1976.

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.

CEM:lmk
(1)

EXHIBIT 649

Approved: _____ Special Agent in Charge

Sent _____ M Per _____

001833

FD-36 (Rev. 2-14-74)

FBI

Date:

Transmit the following in _____ (Type in plaintext or code)

Via _____ (Precedence)

PAGE TWO SF 92-351 CLEAR

ON FEBRUARY 11, 1976, AT ABOUT 3:40 P.M., BARBOZA WAS SHOT AND KILLED IN SAN FRANCISCO. BARBOZA HAD JUST DEPARTED RESIDENCE OF TED SHARLISS, [redacted], SAN FRANCISCO, AND WAS RETURNING TO HIS APARTMENT WHERE HE WAS RESIDING WITH HIS GIRLFRIEND, [redacted]. BARBOZA WALKED TO HIS VEHICLE, REACHED THE DRIVER'S DOOR AND A WHITE 1972 FORD VAN PULLED UP ALONGSIDE, THE RIGHT SLIDING DOOR WAS THROWN OPEN AND SEVERAL SHOTS RANG OUT. SAN FRANCISCO CORONER STATED BARBOZA DIED INSTANTLY AND AUTOPSY DISCLOSED 30 DOUBLE 00 SHOTGUN PELLETS ENTERED HIS RIGHT SIDE ABOVE THE HIP.

BOSTON OFFICE SOURCES SUBSEQUENTLY ADVISED THAT JOSEPH RUSSO, LCN FIGURE, BOSTON, ORDERED THE HIT ON BARBOZA. DURING LATE MAY, 1976, BOSTON SOURCES INFORMED THAT [redacted]

B

Approved: _____ Special Agent in Charge Sent _____ M Per _____

001831

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No. SF 92-2061

San Francisco, California
October 26, 1977

JOSEPH BARON,
Also Known As
Joseph Barboza,
Joseph Delfel,
Joseph Bentley,
Joseph Donati,
Joseph Costa

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.

During October, 1976, John Frederick Loewe, bookmaking associate and confidant to Sharliss, provided information to the San Francisco Federal Bureau of Investigation (FBI) Office 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 HInn and other motels in the airport complex were checked for the time period in question with negative results. [redacted]

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92-9928-1D

ENCLOSURE

EXHIBIT
65D

JOSEPH BARON

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JOSEPH BARON

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92-9828-PD

ENCLOSURE

EXHIBIT
651

JOSEPH BARON
Also Known As

[redacted]

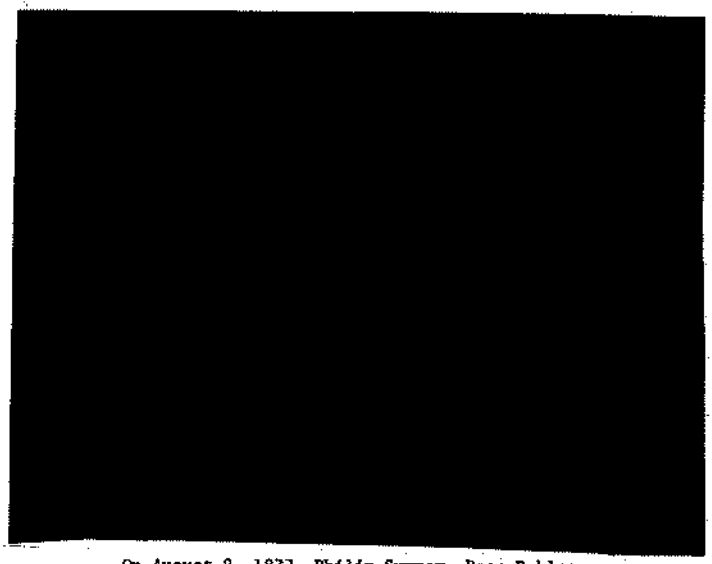
On November 3, 1976, Loewe was afforded a polygraph examination administered by a Special Agent of the FBI. An analysis of the polygraph charts for the examination discloses that with respect to the precise questions asked (basically the information set forth), no specific, consistent significant, physiological responses were detected which indicate deception when Loewe answered relevent questions.

On December 17, 1976, Loewe was unable to positively identify Larry Balone from a spread of representative photographs.

[redacted]

JOSEPH BARON
Also Known As

D



On August 9, 1977, Philip Summer, Paso Robles, California, contacted the San Francisco FBI Office. On the evening of August 5, 1977, Summer viewed a television news special dealing with the February 11, 1976 murder of Baron. In brief, Summer related that he was incarcerated at Soledad Prison, California, during 1973-1974. Summer had occasion to meet Red Hogan, a fellow inmate who told Summer that he was originally from Boston, Massachusetts. Hogan related to Summer that he (Hogan) served time at Walpole State Prison, Boston, Massachusetts with Joe Barboza (Baron). Hogan also showed Summer 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.

JOSEPH BARON
Also Known As

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.

Sumner's information, in part, has been verified and investigation continues to further identify and locate Hogan.

On October 26, 1977, facts concerning the February 11, 1976 murder of Baron were again discussed with the San Francisco Strike Force. Special Attorney Robert J. Breakstone anticipates presentation of the matter before the Federal Grand Jury, Northern District of California, San Francisco, during mid-November, 1977.

4*

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION
San Francisco, California
November 22, 1976

...ply, Please Refer to
File No. SF 92-351

RAYMOND L. S. PATRIARCA; ET AL;
INTERSTATE TRANSPORTATION IN
AID OF RACKETEERING - GAMBLING;
OBSTRUCTION OF JUSTICE

POLYGRAPH EXAMINATION OF [redacted] E

[redacted] E

On November 3, 1976, [redacted] appeared voluntarily at the San Francisco Office of the FBI and was afforded a polygraph examination administered by a Special Agent of the FBI. During pre-test interview, [redacted] appeared to understand the polygraph technique completely. E

From the information he provided concerning his relationship with [redacted] Relevant

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EXHIBIT
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92-351-96

001851

RAYMOND L. S. PATRIARCA; ET AL

POLYGRAPH EXAMINATION OF [redacted] E

Questions to be utilized in polygraph testing were formulated with his assistance. These questions were discussed with him, and he was given an opportunity to modify them if he did not completely understand the meaning or the thrust of the question. Each question was structured in such a manner as to require a yes or no answer, and each question was individually read to him with [redacted] answering yes or no at that time, which was prior to the polygraph instrument being activated.

Relevant Questions utilized during the polygraph examination were structured to determine if [redacted] E

An analysis of the polygraph charts for this examination discloses that with respect to the precise questions asked, no specific, consistent, significant, physiological responses were detected which indicate deception when [redacted] answered Relevant Questions.

Garrett H. Byrne
District Attorney

The Commonwealth of Massachusetts
District Attorney Suffolk District
Court House Pemberton Square
Boston, Massachusetts 02108

November 15, 1976

HAND DELIVERED

Joseph F. McCormack, Chairman
Advisory Board of Pardons
Leverett Saltonstall Building - Government Center
100 Cambridge Street
Boston, Massachusetts 02202

RE: JOSEPH L. SALVATI DOB: 10-30-32

Dear Sir:

In reply to your letter concerning a petition for commutation consideration received by the Advisory Board of Pardons from Joseph L. Salvati, I oppose any commutation consideration for this defendant.

On July 31, 1968, after a trial, Joseph L. Salvati was found guilty of accessory before the fact to first degree murder (Suffolk Indictment 32368) for which he was sentenced to life at M.C.I. Walpole and guilty on two indictments (Suffolk Indictments 32369 and 32370) charging conspiracy to commit first degree murder for which he received respectively two years in the House of Correction and one year in the House of Correction to be served on and after that imposed on Indictment No. 32369.

The defendant was indicted with others for the murder of Edward Deegan. The facts of the case reveal that he actively participated in an organized scheme involving a "contract" to kill Deegan put out by members of the Cosa Nostra. He attended meeting and was involved in planning the disguises and weapons. He was at the scene of the murder and afterwards met to divide payment.

The defendant Salvati has a previous criminal record for larceny over $100, breaking and entering a building in the nighttime and possessing burglarious implements

The seriousness of the facts surrounding the crime speaks for itself. Salvati was part of a crime involving a brutal gangster murder. He has served only nine years of the fifteen year minimum required by the parole eligibility standards for conspiracy with intent to murder..

For the aforesaid reasons, I oppose this defendant's petition for commutation consideration.

Very truly yours,
Garrett H. Byrne
GARRETT H. BYRNE
District Attorney

EXHIBIT
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M E M O R A N D U M

DATE: 11-29-76

TO: Board of Pardons, Special Attention Board Member Gershengorn

FROM: Joseph M. Williams, Jr., Superviso, Warrant, Investigation Un

RE: Joseph L. SALVATI
W-31833

CONFIDENTIAL

As you advised on 11-17-76, the above subject has applied for a commutation of his sentence, one major reason being that subject claims he wasn't in on the murder.

For your information, please be advised of the following:

1. Subject prior to his present offense was associating openly with alleged members of organized crime. He has been described as a runner, hanger around, coffee man, and also the driver for Larry Bione.

2. His known associates have been Cassesso, Barboza, LaMattina, etc

3. Please see attached confidential Field Investigation Reports fro Boston Police. The total attached are 20 in number. They indicate the following:

   A) Page 1, 1) Associated with Joseph Cartolano former parolee of this Officer re: Insurance risk, 2) Association with Gaetano Ancuitto;

   B) Page 2, 1) Association with Fred Sarno (now doing time), 2) Association with Russell Saia;

   C) Page 3, 1) Association with Anthony Andrella, 2) Association with Peter Plaganga, 3) Association with Tony Canadien (this Officer had Tony's adopter son on parole. His uncle was Leo Santaniello former MCI Walpole);

   D) Page 4, 1) Associated with Ralph Lamattina (did time for conspiracy to morder Bratos Joe Barboza's friend who was collecting money for Barboza's trial and was killed in LaMattina's Bar.)

   E) Page 6, 1) Associated with Joseph Spinale (presently on parole nickname Skinny, M.O. is receiving stolen goods, and flim flams;

   F) Page 7, 1) Associated with John Iocco, who in turn associates th organized crime figures;

EXHIBIT
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Joseph L. SALVATI
W-31833

CONFIDENTIAL

G) Page 8, 1) Associated with Freddy Sarno (now doing time for Arson of a furniture store in Woburn;

H) Page 12, 1) Associated with Henry Tagliari, considered by law enforcement to be closely associated with Raymond Patriacca

I) Page 14, 1) Associated with Anthony Troisi known receiver;

J) Page 19, 1) Associated with Angelo Mercurio (on parole and is still on for murder, and known to associate allegedly with organized crime figures).

4. The "word" from reputable law enforcement officers was that subjec 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.

THE ABOVE IS FOR INFORMATION PURPOSES.

JMW:js

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No. SF 92-2061

San Francisco, California
October 26, 1977

JOSEPH BARON,
Also Known As
Joseph Barboza,
Joseph Dolfel,
Joseph Bentley,
Joseph Donati,
Joseph Costa

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.

During October, 1976, John Frederick Loewe, bookmaking associate and confidant to Sharliss, provided information to the San Francisco Federal Bureau of Investigation (FBI) Office 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 HInn and other motels in the airport complex were checked for the time period in question with negative results. [redacted] b

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92-9928-PD

ENCLOSURE

EXHIBIT
655

JOSEPH BARON
Also Known As

[redacted]

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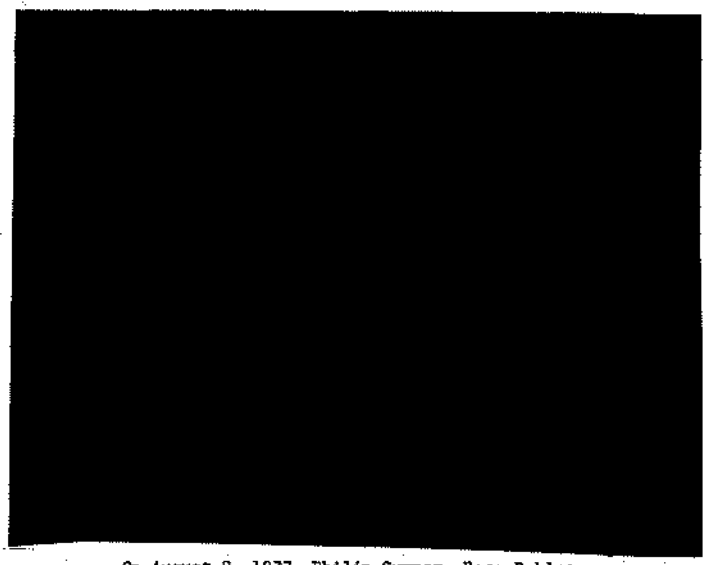
[redacted]

JOSEPH BARON
Also Known As

D



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Also Known As

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4*

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 99-10428 - JLT |
| | : | |
| v. | : | Racketeering |
| | : | (18 U.S.C. §1962(c)) |
| JOHN J. CONNOLLY, JR. and | : | |
| STEPHEN FLEMMI | : | Racketeering Conspiracy |
| | : | (18 U.S.C. §1962(d)) |
| | : | |
| | : | Conspiracy to Obstruct Justice |
| | : | (18 U.S.C. §371) |
| | : | |
| | : | Obstruction of Justice |
| | : | (18 U.S.C. §§1503, 1512) |
| | : | |
| | : | False Statement |
| | : | (18 U.S.C. §1001) |

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE - Racketeering
(John J. Connolly, Jr.)

GENERAL ALLEGATIONS

1. From November 1968 to December 1990, the defendant JOHN J. CONNOLLY JR. ("CONNOLLY") was a Special Agent of the Federal Bureau of Investigation ("FBI"). From February 1973 until his retirement in December 1990, CONNOLLY was assigned to the Boston Field Office of the FBI.

2. At all times material to this Indictment, the "Winter Hill Gang" was a clandestine



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McDonald and Sims in obtaining an apartment in the Greenwich Village section of New York City while they remained fugitives.

40. During that time, Richard Castucci also was a confidential informant of the FBI. In the latter part of 1976, Castucci began to provide the FBI with specific information regarding the whereabouts of McDonald and Sims.

41. In late 1976, in the District of Massachusetts, CONNOLLY did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in a case captioned United States v. Sims et al., Cr. No. 359G (D. Mass.), in the District of Massachusetts, by providing confidential law enforcement information to Bulger which alerted him to the fact that Richard Castucci was a confidential informant of the FBI, with intent to thwart the arrest and prosecution of Joseph McDonald and James Sims in United States v. Sims, Cr. No. 359G (D. Mass.), in violation of Title 18, United States Code, Sections 1503 and 2.

42. On or about December 29, 1976, as a result of being informed of Castucci's relationship with the FBI, members of the Winter Hill Gang murdered Richard Castucci to prevent the capture of Joseph McDonald and James Sims.

**Racketeering Act #8**

43. CONNOLLY committed the following acts, any one of which alone constitutes Racketeering Act #8.

**Racketeering Act #8A**

44. On May 27, 1981, Roger Wheeler was shot to death in the parking lot of the Southern Hills Country Club in Tulsa, Oklahoma.

The Commonwealth of Massachusetts
Advisory Board of Pardons
Leverett Saltonstall Building, Government Center
100 Cambridge Street, Boston 02202

PAUL A. CHERNOFF
Chairman

FINDING

RE: JOSEPH SALVATI

YOUR EXCELLENCY:

The Advisory Board of Pardons respectfully reports herewith in accordance with the provisions of Massachusetts General Laws, Chapter 127, Section 152.

The above-named has petitioned Your Excellency for Commutation of his sentence. On February 28, 1977, full consideration was given to the merits of said petition, and it was decided that a hearing with reference to commutation of sentence not be granted for the following reasons:

> Petitioner was sentenced in 1968, after conviction of Accessory Before Fact of Murder I and received a life sentence with no parole eligibility. It is the feeling of the Membership that this serious offense warrants added confinement before entertaining petitions for clemency.

Accordingly, the Advisory Board of Pardons respectfully recommends to Your Excellency, that this petition for commutation consideration be denied.

The petitioner has received written notification outlining the Board's view on his request.

RESPECTFULLY SUBMITTED:

Gertrude M. Caldwell, CHAIRMAN

Stephen M. Bloomberg, MEMBER

Michael P. Heynes, MEMBER

_____, MEMBER

FEBRUARY 28, 1977
MNM

EXHIBIT
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MR. CONDON: I started in the FBI on January 29, 1951. I retired on May 20, 1977.

CONGRESSMAN DELAHUNT: How long was Paul 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 [illegible] was? Do you have a recollection as to the

MR. CONDON: No; but I think I saw an [illegible] out of the Committee in Washington that had

EXHIBIT 65B

AFFIDAVIT

Edward F. Harrington, being duly sworn, deposes and says:

1. I am a member of the Massachusetts bar and from August 1977 through October 1981 served as United States Attorney for the District of Massachusetts. During the time that I held this position, the case of United States v. Francis X. Tracey was investigated and prosecuted by my office in conjunction with the Internal Revenue Service. I have reviewed the papers filed by Mr. Tracey on about December 24, 1981, seeking a new trial in that case, and I make this affidavit in connection with that motion for a new trial.

2. In 1974, I was a candidate for the Democratic party's nomination for Attorney General of Massachusetts. During this campaign, I needed support from a political organization in Boston. Through a friend and supporter of mine, Daniel O. Harrington, who was a Boston attorney acquainted with Paul R. Tierney, Mr. Tierney agreed to support my candidacy in Boston and to organize a fundraiser for me. At the time, I knew Mr. Tierney to be a member of the Boston School Committee and a person who had been active in Boston politics. Mr. Tierney did, in fact, organize a fundraiser for me at the Parker House Hotel in Boston, which was attended to the best of my recollection by several hundred people. This fundraiser was organized by Mr. Tierney using his volunteers and his lists of political supporters and donors. My campaign organization was not responsible for this event.

3. 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.

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4. After I became U.S. Attorney, the investigation which led to the present case began. This investigation involved allegations concerning campaign contributions by Mr. Green. After the investigation commenced, I was informed in mid-1978 that there was gossip on the street to the effect that Mr. Green had made financial contributions to my 1974 campaign for the attorney general nomination. As a result of this information, I checked with Daniel G. Harrington and with John T. Harrington, M.D., who had been treasurer of my campaign, to determine whether Mr. Green had in fact been a campaign donor of mine, and these individuals informed me that Mr. Green had not been a financial donor to my campaign. On this basis, I made no further inquiry.

5. I have no recollection of having ever met or heard of Francis X. Green during the 1974 campaign or, indeed, until the restaurant encounter in 1975 or 1976 described above. It is possibl that I met Mr. Green in the context of shaking hands during the campaign, because that campaign involved an intensive state-wide effort by me over the course of seventeen months during which I met thousands of people, but I have no recollection of having so met Mr. Green and do not think that I did. In any event, I certainly did not solicit Mr. Green to do campaign work for me. Mr. Green was not a part of my campaign organization during the 1974 campaign.

6. Although I was previously aware that Mr. Green had been a supporter of my 1974 candidacy, it was not until I learned of the papers filed in connection with the present motion for a new trial and discussed them with Daniel G. Harrington that I learned the exact details of Mr. Green's assistance to Mr. Tierney in organizing the Parker House fundraiser.

7. During the course of the investigation of the present case and the preparation for trial and trial of it, I did not specifically direct the attention of the Assistant U. S. Attorney responsible for the case, Amos Hugh Scott, to the fact that Mr. Green had been a supporter of mine in the 1974 attorney general race. On the other hand, I did not consciously refrain from mentioning the matter. Because Mr. Green was one of thousands

1-3 1-3



who supported my candidacy and because, based on my mid-1978 conversations with Daniel O. Harrington and John T. Harrington described above, I was informed and believed that Mr. Green was not a financial contributor to my campaign, it never occurred to me that the matter was of the slightest relevance to the Treacy prosecution.

Signed under the pains and penalties of perjury this 31st day of December, 1981.

Edward F. Harrington
EDWARD F. HARRINGTON, Esquire

Sworn to and subscribed before me this 31st day of December, 1981.

Edward F. Baker
NOTARY PUBLIC
My commission expires: 10/5/84

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No. SF 92-2061

San Francisco, California
October 26, 1977

JOSEPH BARON,
Also Known As
Joseph Barboza,
Joseph Delfei,
Joseph Bentley,
Joseph Donati,
Joseph Costa

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During October, 1976, John Frederick Loewe, bookmaking associate and confidant to Sharliss, provided information to the San Francisco Federal Bureau of Investigation (FBI) Office 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.

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92-9828-PD

ENCLOSURE

EXHIBIT 660

JOSEPH BARON
Also Known As

[redacted]

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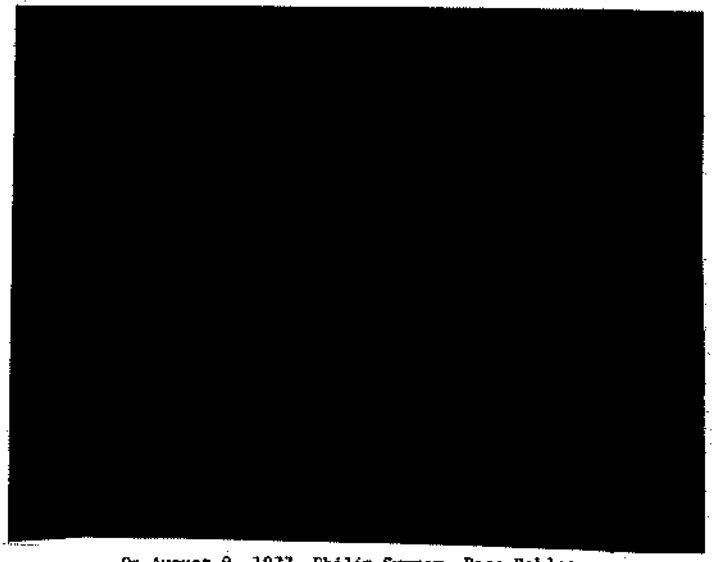
[redacted]

JOSEPH BARON
Also Known As

D



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JOSEPH BARON
Also Known As

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7/22/98 Boston Globe A1
1998 WL 9144510

The Boston Globe
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Wednesday, July 22, 1998

METRO/REGION

# Cases disappear as FBI looks away

Shelly Murphy, Globe Staff

WED

This Spotlight Team 5-part series was prepared by editor Gerard O'Neill and reporters Dick Lehr, Michell Zuckoff, and Shelley Murphy. Today's installment was written by Murphy. PART 4 WHITEY & THE FBI: PRICE OF PROTECTION

At the dawn of his deal with the FBI, James "Whitey" **Bulger** was an angry leg breaker at a Dedham restaurant looking to collect an unpaid loan. Leaning across a table, he gave the owner a choice: Pay, or have his ears cut off and stuffed in his mouth.

Restaurateur Francis X. Green told his story to the FBI, expecting protection and prosecution. But **Bulger** had an ace in the hole. He worked for the FBI.

Looking back, the 1976 incident at the Back Side Restaurant was a turning point. An extortion case, built on a credible, cooperative witness, might have stopped **Bulger** and his partner, Stephen "The Rifleman" Flemmi, from launching a 15-year crime spree.

Instead, the FBI did nothing, sending a powerful message to two of the region's most ruthless organized crime figures: As long as you're with us, we won't bother you.

As a result, **Bulger** and Flemmi became sanctioned career criminals while spying on the underworld for the FBI. Despite solid evidence indicating **Bulger** and Flemmi were involved in murders, shakedowns, and drug dealing, the FBI looked the other way throughout the 1970s and 1980s.

It made no difference who the victims were, fellow wise guys or innocent people. And it didn't matter if the victims were willing to cooperate with the FBI or were scared silent. In some cases, the bureau even helped the gangsters by leaking information to them about ongoing investigations.




Recent court testimony shows the deflected cases ranged from the

momentous to the mundane, but the consistent thread running through most of them is the involvement of **Bulger**'s handler, former FBI agent John Connolly of South Boston.

Some potential cases that went nowhere:

- In 1982, a wise guy turned FBI informant was gunned down after Connolly, according to testimony, told **Bulger** and Flemmi that the man had implicated them in a string of gangland slayings and the murder of an Oklahoma businessman.

- In 1984, a Boston police detective told Connolly that **Bulger** and Flemmi were trying to seize a liquor store owned by the detective's relatives with a "can't refuse" offer. But Connolly did not report the incident to superiors and, within days, **Bulger** sent word to the victims that he knew they had complained to the FBI and warned them to "back off."

- In the late 1980s, FBI agents John Newton and Roderick Kennedy failed to document or follow up on a realtor's claim that a gun-toting **Bulger** threatened to stuff him in a body bag if the realtor didn't pay him $50,000.

- In 1988, another FBI agent, supervisor John Morris, who had pocketed $7,000 in payoffs from **Bulger**, warned **Bulger** and Flemmi that the FBI had tapped the telephone of a Roxbury bookmaker who worked for them. While indictments resulted from the wiretap, including some Boston policemen for taking payoffs, **Bulger** and Flemmi went untouched.

Although there is evidence that Connolly protected **Bulger** and Flemmi, he was not alone. Supervisors and fellow agents often were swayed by his claim there was insufficient evidence to target the pair or that they were too valuable to the FBI.

For example, FBI agent James Blackburn testified he never pursued allegations that **Bulger** was shaking down a South Boston drug dealer in 1988 after Connolly told him it wasn't true. And agent James J. Lavin III testified that in 1987 he ignored evidence that city workers erected guardrails on private property outside the South Boston liquor store controlled by **Bulger** after Connolly reminded him that **Bulger** was an indispensable informant.

In the end, **Bulger** and Flemmi were always suspects, but never defendants; always informants, never targets.

Last April, Connolly refused to testify at federal court hearings exploring the FBI's controversial relationship with **Bulger** and Flemmi, citing his Fifth Amendment right not to incriminate himself.

In interviews, he has accused other agents of lying when they testified critically about his handling of **Bulger** and Flemmi.

"I'm not a rogue agent," Connolly said recently. "Anything I ever did, I did lawfully. I have no trouble with what I did. I did it for the FBI, all the way to D.C., constant oversight."

But the record now shows that the deal -- protection for information -- left the bureau shortchanged, co-opted, and compromised.

In a telling aside during recent testimony, one of Connolly's closest associates in the bureau, former agent Nicholas Gianturco, talked about entertaining **Bulger** and Flemmi at his Peabody home. "I felt comfortable having them to the house," he said. "It was not an adversarial relationship." ALL TOGETHER IN ONE ROOM

It was an improbable convergence of characters that put two of the region's top prosecutors under the same roof in Dedham with three gangsters while the hoodlums were extorting the owner of the establishment across the room.

In late 1976, then-Norfolk County District Attorney William Delahunt had just ordered dinner at the Back Side Restaurant and was awaiting the arrival of Martin Boudreau, a law school classmate and federal prosecutor, when he looked up to see another old acquaintance approaching his table.

It was Johnny Martorano, a well-known gangster who had attended grammar school with Delahunt in Quincy. Martorano and two other men had just entered the restaurant. While his companions moved to a cocktail table near the bar, Martorano chatted with Delahunt about the different paths they had taken since their school days, joking that there was more honor in his world than among bankers and lawyers. Flemmi joined the conversation briefly.

After Delahunt went back to his meal and was joined by Boudreau, the number-two prosecutor in the Federal Organized Crime Strike Force, the restaurant owner was summoned to sit with **Bulger**, Flemmi, and Martorano to talk about a serious arrearage of $175,000. According to later investigative reports, it was **Bulger** who delivered the pay-or-die ultimatum.

A few weeks later, Delahunt learned what really had brought his old schoolmate to Dedham. Delahunt said Edward Harrington, former chief of the New England Organized Crime Strike Force, called to tell him that **Bulger** and his friends had threatened Green, the restaurant owner, over an unpaid loan. And he said Green feared Martorano had connections to Delahunt after seeing them banter that night.

After reassuring Harrington he had no ties to Martorano, Delahunt said prosecutors assigned to his office interviewed Green and later turned the case file over to the FBI. Green, who declined to be interviewed by the Globe, is quoted in investigative reports as saying **Bulger** and Flemmi threatened to kill him if he didn't repay a loan from a Boston credit union.

"It's our money," **Bulger** told Green, threatening to "positively kill him" and mutilate his face, according to an FBI report. Ears off, eyes out.

FBI agents Thomas Daly and Peter Kennedy interviewed Green on Oct. 13, 1977, and noted in their report that Flemmi told Green that nobody would get hurt if he made arrangements with the woman at the credit union who handled the loan. They wanted a $25,000 installment immediately.

In a recent interview with the Globe, Rita Tobias of Belmont confirmed that she loaned Green money through the finance company -- but said the amount was closer to $20,000. She insisted she doesn't know **Bulger** or Flemmi and hadn't gone to them for help.

The following year, Green became a star government witness, but not against **Bulger** or his friends. Federal prosecutors used Green's testimony in an unrelated public corruption case to win a tax-evasion and bribery conviction against a Boston official. **Bulger** and Flemmi went unpunished and unchallenged.

Months after turning the Green case over to the FBI, Delahunt, now a Massachusetts congressman, said he asked Jeremiah T. O'Sullivan, chief of the New England Organized Crime Strike Force, what became of the investigation and was told: "It just didn't work out." O'Sullivan's lawyer, Hugh Scott, declined comment on the incident, saying it would be inappropriate because of the ongoing federal hearings.

Harrington, now a federal judge, was working as a lawyer for a private law firm in Boston when Green reported his threatening encounter with **Bulger** and Flemmi in 1976. The following year, Harrington became US Attorney for Massachusetts, a job he held when his public corruption squad used Green to make a case against the Boston official.

Today, when asked about his role in the Green case and why it never led to charges against **Bulger** or Flemmi, Harrington said, "In view of the fact that I am a federal judge and wish not to be involved in a proceeding before another federal judge, I decline to comment on the matter." **BULGER** IMPLICATED, MOBSTER KILLED

Brian Halloran was a dead man. And the FBI knew it.

Just a few days before Halloran was gunned down along the Boston waterfront, an FBI official whispered to then-US Attorney William F. Weld, "I would not want to be standing next to this guy."

In fact, the FBI's decision to deny Halloran entry into its witness protection program may have cost Halloran his life.

Halloran was awaiting trial for the murder of a drug dealer in January 1982 when he walked into the FBI's Boston office and announced he wanted to cooperate against **Bulger** and Flemmi because he feared they were trying to kill him.

He offered to "go all the way" against the two, but wanted immunity from prosecution and protection for himself and his family, according to the FBI report. A member of the Winter Hill gang who had frequent dealings with **Bulger** and Flemmi, Halloran told a tale of murder and mayhem.

For openers, he described how he dropped off South Boston bookmaker Louis Litif at Triple O's tavern on April 12, 1980, for an after-hours meeting with **Bulger.** Moments later, Halloran said, he watched as **Bulger** and an associate lugged Litif's plastic-wrapped body out the back door of the South Boston bar and dumped it into the trunk of Litif's new Lincoln. The car and the body were later found in the South End.

Then Halloran moved on to another bloody murder scene, this one in Oklahoma. He claimed he could help solve the shooting death of millionaire Roger Wheeler, the Telex Corp. chairman who was shot to death on May 27, 1981, outside an exclusive Tulsa country club.

Wheeler had bought World Jai Alai (WJA) three years earlier and suspected Somerville's Winter Hill gang of skimming profits from the company's operation in Connecticut.

Halloran claimed that his friend, John Callahan, former president of WJA, summoned him to a meeting with **Bulger** and Flemmi in January 1981 at Callahan's Boston waterfront apartment.

Halloran said Callahan asked him to murder Wheeler, who suspected that employees who remained loyal to Callahan were doing the skimming. Later, Halloran said, Callahan told him he wasn't needed and the murder was carried out by **Bulger,** Flemmi, and John Martorano.

Despite the significance of Halloran's account, authorities in Oklahoma say the FBI in Boston never shared it with them.

Instead, FBI agent Morris said he passed along word to Connolly that Halloran was cooperating with another squad in the FBI against his two prized informants.

Morris testified that Connolly then told **Bulger** and Flemmi that Halloran had implicated them in Wheeler's murder, prompting Connolly to file an informant report from **Bulger** arguing that "there was no way that they would have been involved with Halloran in connection with anything, let alone murder."

Ultimately, the FBI, along with Strike Force Chief O'Sullivan, concluded that Halloran was unreliable and turned him away from an FBI safe house on Cape Cod.

Weeks later, on May 11, 1982, Halloran was gunned down as he left a bar on Northern Avenue in South Boston. Callahan, being sought for questioning as a potential witness in the Halloran and Wheeler slayings, was found murdered three months later in Miami.

In a recent interview, Connolly said he "absolutely never" told **Bulger** and Flemmi that Halloran had turned FBI informant against them before he was killed. Connolly said he filed reports before Halloran's death noting that **Bulger** claimed the Mafia was going to kill Halloran.

The fallout from the investigation spread within the FBI, as agents in Oklahoma City and Miami accused the Boston office of stonewalling about Wheeler and Halloran.

The distrust spilled over into the Boston office, as the agent assigned to the Wheeler case accused Connolly of "rifling" his file and leaking information to **Bulger** and Flemmi that would help them establish alibis. Connolly vehemently denies the charge.

At first, Connolly refused to call in **Bulger** and Flemmi to have them photographed so investigators in Oklahoma could show their pictures to potential witnesses. According to recent testimony by James Ring, who was then supervisor of the organized-crime squad, Connolly became "defensive" about the photo request, arguing that **Bulger** and Flemmi had proclaimed their innocence. Connolly relented only after Ring threatened to drop **Bulger** and Flemmi as informants.

Still, the FBI didn't force **Bulger** and Flemmi to take polygraph examinations after they refused. In contrast, Halloran was dropped as an informant when he refused to take the lie detector test.

"For a long time we thought, it's just pure incompetence," said Wheeler's son, David, who now believes the FBI has obstructed the

investigation into his father's murder. "But I never dreamed it was as extensive as it is." WHITEY AND STEVIE GO SHOPPING

It was Christmas time 1983 and Whitey **Bulger** and Stevie Flemmi were out shopping. They were cruising around South Boston when they saw something they wanted: a newly renovated liquor store on the site of what had until recently been an abandoned gas station.

It meant nothing to **Bulger** and Flemmi that Stephen and Julie Rakes didn't want to sell Stippo's Liquor Mart on Old Colony Avenue.

During a menacing visit to the Rakes's South Boston home during the first week of the new year, **Bulger** and Flemmi handed Stephen Rakes a bag stuffed with $67,000 cash and announced they were buying the liquor store, according to testimony.

"We don't want to sell it," said Rakes, who was home with his two young daughters while his wife was working at the store.

Flemmi allegedly sat down at the kitchen table, pulled one of Rakes's blond-haired daughters onto his lap, and set a gun on the table in front of her. The curious toddler picked up the gun and playfully sucked on the handle, according to federal grand jury testimony revealed in court.

"It would be a shame not to see your children grow up," **Bulger** allegedly said.

A horrified Rakes called his wife at the store and told her to pack up all their belongings and come home.

Within days, then-Boston Police Detective Joseph Lundbohm said he went to Connolly on behalf of his niece, Julie Rakes, unaware that **Bulger** and Flemmi were informants and Connolly was their handler.

Connolly said he took no action to stop the hostile takeover by **Bulger** and Flemmi because the couple "did not want to get wired up and they did not want to be witnesses. How do you make a case like that?"

It was a chilling lesson for the Rakeses, who discovered a few days later that **Bulger** knew they had complained to the FBI.

"Whitey said to back off," Stephen Rakes told Lundbohm, who said he suspected Connolly tipped **Bulger** about their meeting. In a Globe interview, Connolly denied leaking the information.

Connolly said he couldn't recall whether he reported the incident to his supervisor, but federal prosecutors said a search of FBI files

failed to uncover any paperwork on it. It appears Connolly made a unilateral decision to neither investigate the extortion nor pass it along to a supervisor.

The store was sold to **Bulger's** friend, Kevin Weeks -- at least on paper -- without a hitch and was renamed the South Boston Liquor Mart. It immediately became a new hangout for **Bulger** and Flemmi.

Soon, the FBI was patronizing **Bulger's** store. A 1990 raid of the Liquor Mart by the Drug Enforcement Administration, the Suffolk County Organized Crime Squad, and the IRS uncovered a receipt indicating the FBI bought liquor at discount prices to give away at its annual Christmas party months earlier.

The receipt indicated that the liquor was purchased by agent Dick Baker, the party organizer. And a separate piece of notebook paper indicated who the agent was: "Dick Baker (friend of John Connolly)." Connolly does not deny the FBI bought liquor at the store but says the piece of paper with his name on it was planted. NO FBI FOLLOWUP TO EXTORTION

Years after Louis Litif was allegedly murdered in Triple O's, **Bulger** and his friends summoned an unsuspecting businessman to a meeting in the Broadway tavern, according to court documents and recent testimony.

"Someone hired me to kill you," **Bulger** told South Boston realtor Raymond Slinger, after calling him to a meeting in an upstairs apartment in the late 1980s.

**Bulger,** accompanied by his friends Kevin Weeks and Kevin O'Neil, said he was willing to spare Slinger's life in exchange for cold cash. But, when Slinger had the audacity to arrive at a follow-up meeting with the trio packing a gun, he was beaten and kicked as an enraged **Bulger** ordered his friends to "go downstairs and get a body bag."

After **Bulger's** demand increased to $50,000, Slinger reported the extortion to the FBI. Agent John Newton testified that the FBI had "a great case" against **Bulger** because Slinger was willing to wear a wire and testify.

Still, the FBI took no action.

Days later, O'Neil told Slinger that he'd only have to pay $25,000, but "there wasn't going to be any FBI investigation," according to testimony in the federal court hearings.

Newton's supervisor, Bruce Ellavsky, testified that the FBI

dropped the case because the extortion stopped and Slinger no longer wanted to go forward.

Yet, Ellavsky couldn't explain why there were no FBI reports on the incident. There was no mystery about why **Bulger** and Flemmi never got caught up in an FBI investigation in the late 1980s of a Roxbury bookie who was paying them "rent" and dealing extensively with them. The pair were warned to stay away by agent John Morris because a wiretap was going into John Baharoian's office.

Morris, who had taken three bribes from **Bulger,** was concerned that the pair could give him up if they were caught and indicted.

But he also testified he was tired of the hold **Bulger** and Flemmi had on him and the relentless expansion of their criminal network. And he wanted no more blood on his hands. Leave Baharoian alone, the former organized-crime supervisor told them. "I don't want any more Hallorans."

---- INDEX REFERENCES ----

KEY WORDS: BOSTON; ORGANIZED CRIME; **NAME-BULGER;** SPOTLIGHT; SERIES; NAME- FLEMMI

NEWS SUBJECT: Local/Regional Section (LCR)

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UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No. SF 92-2061

San Francisco, California
October 26, 1977

JOSEPH BARON,
Also Known As
Joseph Barboza,
Joseph Delfel,
Joseph Bentley,
Joseph Donati,
Joseph Costa

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.

During October, 1976, John Frederick Loewe, bookmaking associate and confidant to Sharliss, provided information to the San Francisco Federal Bureau of Investigation (FBI) Office 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 HInn and other motels in the airport complex were checked for the time period in question with negative results. [redacted]

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.

92-9828-PD

ENCLOSURE

EXHIBIT
662

JOSEPH BARON
Also Known As

[redacted] D

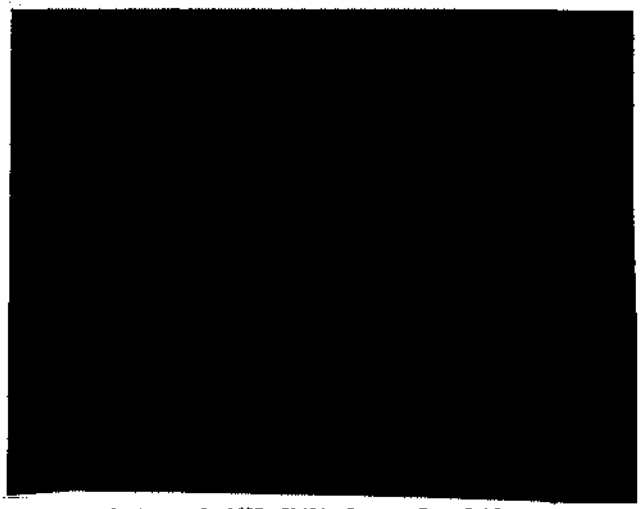
On November 3, 1976, Loewe was afforded a polygraph examination administered by a Special Agent of the FBI. An analysis of the polygraph charts for the examination discloses that with respect to the precise questions asked (basically the information set forth), no specific, consistent significant, physiological responses were detected which indicate deception when Loewe answered relevant questions.

On December 17, 1976, Loewe was unable to positively identify Larry Baione from a spread of representative photographs.

[redacted] D

JOSEPH BARON
Also Known As

D



On August 9, 1977, Philip Sumner, Paso Robles, California, contacted the San Francisco FBI Office. On the evening of August 5, 1977, Sumner viewed a television news special dealing with the February 11, 1976 murder of 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 (Hogan) served time at Walpole State Prison, Boston, Massachusetts with Joe Barboza (Baron). 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.

JOSEPH BARON
Also Known As

Because of his close association with Hogan and statements by Hogan that he was going to kill Barboza, Summer feels convinced that Hogan is definitely involved in the Barboza murder.

Summer's information, in part, has been verified and investigation continues to further identify and locate Hogan.

On October 26, 1977, facts concerning the February 11, 1976 murder of Baron were again discussed with the San Francisco Strike Force. Special Attorney Robert J. Breakstone anticipates presentation of the matter before the Federal Grand Jury, Northern District of California, San Francisco, during mid-November, 1977.

COUNTY OF POLK )




AFFIDAVIT

Comes now your affiant, RICHARD BAREST, who is a practicing attorney in the State of Florida for approximately 17 years, a former City Judge for the municipality of Opa Locka, Florida, and a former Assistant State Attorney for Eleventh Judicial Circuit of Dade County, Florida, who states as follows:

1. That on or about November 1, 1967, while a part-time City Judge in the municipality of Opa Locka, Florida, who had permission to conduct a private practice, I was contacted and retained by Mr. 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 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.

2. 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 question strictly to the Teddy Deegan homicide, and that he could ask anything he desired about that case with reference to Louie 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.

Subsequent thereto, other information was received by my office during the course of the investigation that tended to corroborate Greco's story that he was in Florida at the time the offen-

we were able to put Mr. Greco in Florida very shortly before and after the offense was allegedly to have been committed by specific testimony, and by innuendo and circumstantial evidence which could have been concluded that he was actually here at the time the offense was committed.

Based upon the information and polygraph results I filed a Petition with the Governor of the State of Florida requesting a hearing to contest extradition, a copy of which is attached hereto, which I believe was meritorious and sincerely believe the allegations set forth therein.

A hearing was set up with the Governor of the State and upon instructions from Massachusetts counsel that would be representing Mr. Greco, and after discussing it with the client, a decision was made not to fight extradition, but to waive and have Mr. Greco to return to the State of Massachusetts for trial.

The total investigation conducted in Florida by my office was turned over to Massachusetts counsel, Ronald Chisholm and John B. Green, physically in my office in Dade County, Florida, shortly after the decision to waive extradition was relayed to the authorities. Unfortunately, I did not make or keep a copy of the investigation and I have no knowledge of what has transpired with the investigation since that time.

Richard Barest
RICHARD BAREST
[redacted]
Lakeland, Florida 33801

Sworn to and subscribed before me this 21st day of December, 1977.

Notary Public, State of Florida

My commission expires:

PD-135 (Rev. 3-1-78)

SUBJECT TO PROTECTIVE ORDER

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

REPORT OF PERFORMANCE RATING

Name of Employee: JOHN M. MORRIS

Where Assigned: BOSTON (Division) ORGANIZED CRIME - C-3 (Section, Unit)

Official Position Title and Grade: SPECIAL AGENT - FIELD SUPERVISOR - GS-14

Rating Period: from 1/15/78 to April 15, 1978

ADJECTIVE RATING: EXCELLENT (Outstanding, Excellent, Satisfactory, Unsatisfactory) Employee's Initials

Rated by: Richard F. Bates (Signature) RICHARD F. BATES SPECIAL AGENT IN CHARGE (Title) 3/31/78 (Date)

Reviewed by: (Signature) (Title) (Date)

Rating Approved by: Richard E. Long (Signature) Assistant Director (Title) APR 29 1978 (Date)

TYPE OF REPORT

[X] Official
[X] Annual

[ ] Administrative
[ ] 90-Day
[ ] Transfer
[ ] Special

REC-140

67-693564-59
Searched ..... Numbered 10
2 MAY 2 1978

REC'D 5/1/78 [illegible]

13
2 MAY 5 1978

EXHIBIT
664

FAI/ODA

FD-185a (Rev. 3-1-78)

PERFORMANCE RATING GUIDE FOR INVESTIGATIVE PERSONNEL
CHECKLIST AND NARRATIVE COMMENTS
(For use as attachment to Performance Rating Form FD-185)

Name of Employee JOHN M. MORRIS

Note: Only those items being pertinent bearing on employee's performance during the rating period should be rated. Actual performance is to be compared with current, existing job description requirements.

RATE ITEMS AS FOLLOWS:

+ Outstanding (To warrant overall +, all rated elements must be +, and justified in writing.)
E Excellent (Or all 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. In other responses, use "X."

(Use INK for Checklist - DO NOT TYPE) RESPOND TO EVERY ITEM

+ 1. Personal appearance.
E 2. Personality and effectiveness of personal contacts.
+ 3. Attitude (including dependability, cooperativeness, loyalty, enthusiasm, amenability, and willingness to equitably share work loads.
E 4. Physical fitness (including health, energy, stamina). Any physical limitations affecting performance? ☐ Yes ☒ No. Has employee used more sick leave (including annual leave or LWOP for illness) during the same period than the amount of sick leave earned during such period? ☐ Yes ☒ No. If answer to either is yes, explain.

+ 5. Resourcefulness, ingenuity, and initiative.
+ 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. Performance results (rate if applicable and mark others O) O A. Foreign Counterintelligence (FCI); + B. Criminal Investigative; + C. Fugitive; O D. Applicant; O E. Accounting; + F. Informants; O G. Domestic Security and Terrorism; + H. Other, such as Supervisor

Comment on type of work handled entire rating period, including performance in other divisions, and appraisal of overall work performance:

SA MORRIS supervises the Organized Crime Squad in the Boston Division. He is an extremely intelligent, highly motivated, "streetwise" Supervisor, who has demonstrated the ability to achieve top production from his Agents. He is currently supervising an extremely important and complex undercover operatic and has also supervised a number of Title III installations during the rating period. He has developed as the Boston Division's liaison Supervisor with the Massachusetts State Police and his results in this very demanding, sensitive relationship have been outstanding. He is imaginative, innovative and extremely industrious and has no hesitation in tackling major projects or complicated problems which place a heavy

(SEE NEXT PAGE)

Complexity of matters handled: ☐ None ☐ Moderate ☒ Most complicated
Degree of supervision required: ☐ Above average ☐ Average ☒ Minimum ☐ None

A. Employee signifies by initialing hereafter that during the course of receiving the performance rating s/he must limit this provision to annual, 60-day or 90-day reported employee has read and understands position description. Employee's initials

B. Is employee available wherever needs of service require for general assignment? ☒ Yes ☐ No. Special assignment? ☒ Yes ☐ No

C. Is employee qualified to operate a motor vehicle incidental to 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 to be used. (b) Is physically fit to drive. (c) Has safe driving record OK or has passed Bureau road test.

D. Specify general nature of assignment during most of rating period (such as specialty (FCI), criminal, applicant squad, Accountant, or as Resident Agent, supervisor, instructor, etc.): SUPERVISOR - ORGANIZED CRIME

ADJECTIVE RATING: EXCELLENT (Outstanding, Excellent, Satisfactory, Unsatisfactory) EMPLOYEE'S INITIALS

FBI/DOJ

SUBJECT TO PROTECTIVE ORDER

demand on his time, often to the detriment of his family. SA MORRIS possesses all the necessary attributes to be an outstanding Bureau executive.

Initials

GLEN DARTY
STATE ATTORNEY

TENTH JUDICIAL CIRCUIT
BARTOW, FLORIDA PH 533-0731
(Polk, Highlands & Hardee Counties)

Polk County
Hall of Justice
Bartow, Florida

Highlands Cou
Courthouse
Sebring, Flori

Hardee Coun
Courthouse
Wauchula, Flo

April 19, 1973

Mr. William R. Geraway
Box 43 MCI RB
Norfolk, Massachusetts 02056

Dear Mr. Geraway,

In answer to your inquiry concerning your appearance as a witness in the case of State vs John Sweet, I will state the following:

1. You did appear as a voluntary witness for the State of Florida during the murder trial in 1967. You advised me by letter that you had knowledge that might be material to the trial, and I made arrangements for you to be brought to Florida and you did testify.

2. You never asked me or my office for any type reward or renumeration and if you ever received anything from anyone, I have never heard about it.

3. The murder trial involved the killing of a prominent young citrus business man and grove owner. Our investigation disclosed that the killing of Von Maxcy had been arranged or procured through the Boston area.

4. The testimony you gave appeared truthful and in my opinion there could have been no way you could have obtained the telephone number that you testified about unless you had obtained it in the manner you testified.

EXHIBIT
665

BSF-00596

I trust that this letter will show your voluntary cooperation with the state of Florida in this matter.

Respectfully,

Glen Darty,
State Attorney
Tenth Judicial Circuit

GD/ab

**Bay View Boys Home  Bay View Girls Home**
*A Non-profit Corporation*
DENNIS C. BLANK, Director
Rt. 4, Midway Business Center Suite 21 — Port Angeles, Washington 98362
Phone 452-3817



*"Diagnostic and Child Care Services"*

May 8th/ 1978

to:
Mr Wm M. Kramer
U.S. DEPT. OF JUSTICE
450 Golden Gate Ave. Rm 12001
San Francisco, CA 94102

C O N F I D E N T I A L

Dear Mr Kramer:

I am somewhat disturbed at some recent developments and thought perhaps you could give some assistance.

I talked with a lawyer representing Louie Greco, et al, the men against whom Joe testified, and informed him that I would NOT be available as a witness in behalf of the Deegan defendants. They had hoped to place me on the stand for the express and sole purpose of provin~ that Lee Bailey's attorney-client relationship with Baron had been violated by Joe and was therefore invalid. Bailey would then take over.

I made one last call to the attorney to find out what the reaction was---the firs call preceded my visit to you---and apparently the Deegan defendants feel that if I am not going to be of service to them, I certainly am not going to be in a position to harm them at any possible future hearings.

That was followed by another call a day later, to me, at my personal number, which may have been long-distance, direct dial, or local---the line sounded pretty clear to me---and the message was to the eefect that the caller was a "Friend," and that a renewed contract was out on me. I wrote to a police official back East and have not yet heard from him. I gave notice here and leave as of June 1st, since I cannot take the chance of jeopardizing the boys I work with. I did not give those as the reasons for leaving, of course.

I can document to you that I testified in a Florida murder trial that was contracted out of Boston; against a Springfield, MA hit-man who pleaded guilty as a result of readint the transcript of my proposed testimony; against Baron in Santa Rosa; against a member of the Aryan Brotherhood just two years ago in Auburn, CA., and have a letter from the Atty. Gen.'s Office in Rhode Island to the effect that I blocked parole for Raymond Patriarca.

I am, therefore, considering the witness relocation program at least until things cool down. If I could relocate with _____ and survive a year, I would perhaps then be able to handle it myself as I have tried to do for nearly four years.

I ask this as a last resort, of course. I do not want my wife hurt in any event and cannot carry firearms since there are federal liabilities. Joe's death was more than simple revenge and the thought he might return for Waggenheim, it was clear through the timing (Lee Bailey trying the Hearst case there) that there was a direct link to future proceedings against appeals on the Deegan Case. I remain a central figure in that case and fear that my time has arrived now that they see complete non-compliance from me.

Please anser as soon as possible, with possible options if there are any.

Sincerely,

BSF-00594

(206) 683-6408

Wm Ceraway/P.O.337/Sequim, WN 98382

Butch Carlstadt
Telcon 5/16/78
[redacted]
Santa Rosa S.O.

Tim Brown taped Barboza-Greek conversations.

Barboza visited by Steve Odom - Short fat "weasel" from Boston - Hayward. In 40's Member LCN.

Ed Cameron DA Invest. 1971
Tarkfield Ca
get phone # thru
Jim Caulfield
Captain of Det
[redacted]

Scharlin - "the Greek" - visited

Records, tapes - 12 7" reel to reel - taped by Tim Brown - Rick Oliver - Homocide
Pub-Def-Martine Miller - use Carlstadt name.

Rick Oliver [redacted]
Thursday



EXHIBIT
666
BSF-00421

# AMERICAN POLYGRAPH ASSOCIATION

CASE REVIEW COMMITTEE

TO: Whom it May Concern

FROM: Charles R. Jones

DATE: October 11, 1978

SUBJECT: Results of polygraph examination regarding Louis Grieco

On April 29 and July 1, 1978, Mr. Grieco was given two polygraph examinations by Mr. Kenneth Boothe a member of the American Polygraph Association.

This polygraph examination was given to Mr. Grieco by a request from his attorney, Mr. John Cavicchi.

The main purpose of this polygraph examination concerned the murder of Teddy Deegan in Chelsea, Massachusetts on March 12, 1965.

During the pretest interview, Mr. Grieco denied that he was involved in the death of Teddy Deegan as alleged. Mr. Grieco claimes that during the time Teddy Deegan was murdered, March 12, 1965, he was in the state of Florida.

On April 29, 1978, the subject was given a polygraph examination, and apparently due to a specific fatigue factor, the results of the test were inconclusive.

On July 1, 1978, Mr. Grieco was re-examined. The polygraph test consisted of the following questions:

Q. Were you in Chelsea, Massachusetts when Mr. Deegan was killed?
A. No.

Q. Were you present when Mr. Deegan was killed?
A. No.

Q. Were you in Massachusetts on March 12, 1965?
A. No.

TEST FINDINGS: It is the opinion of this polygraphist, based on the evaluation of the polygraph charts that there were no reactio to the relevant questions to indicate deception.

It is further the opinion of the polygraphist that Mr. Grieco was truthful in his answers to the foregoing questions.

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000348

My name is FRANCIS LEE BAILEY, JR., of 66 Earldor Circle, Marshfield, Massachusetts, 02050. I am a member of the Massachusetts Bar, having been admitted by the Supreme Judicial Court on November 16, 1960, and have been actively trying criminal cases since 1954 (military service).

In about 1965 I represented Joseph Barboza, a/k/a Joseph Barnn, in Suffolk Superior Court before then Superior Court Justice Francis Quirico and a jury, upon the trial of an indictment charging multiple felonies wherein a verdict was returned acquitting the defendant of all charges except a breach of peace, of which he was convicted. In about July of 1970 I was contacted by a party whose name was Frank (I am unable to recall his last name), who represented that he was a contractor from Rhode Island, 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 with respect to certain defendants including, but not limited to, Raymond Patriarca, Peter Limone, Henry Tameleo and Louie Greco. The gentleman named Frank stated that Mr. Barboza wished to have the services of experienced counsel in determining how and in what manner to accomplish his desired purpose and that he, Frank, would be willing to pay a reasonable fee if I would agree to advise and assist Mr. Barboza. As a result of that representation a meeting was scheduled in New Bedford, Massachusetts. I flew myself to the New Bedford airport and was met by a gentleman whose identity I did not and do not know. He took me to a two story, wood frame house in a section of New Bedford, with which I am not familiar. This meeting was, to the best of my recollection, in July, 1970. When I arrived at the house I was led to the second floor and confronted by six or more males, armed with automatic and semi-automatic weapons. I recognized Joseph Barboza as the man I had

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000091

represented years before, and as the same Joseph Barboza who had testified for the Commonwealth in the case of Commonwealth vs. French. I spoke with Mr. Barboza for the better part of two hours.

He told me that he had agreed to be a Commonwealth witness, because as he was attempting to raise $50,000 to bail himself on a charge of illegally carrying a firearm, the funds were stolen by people whom he believed to be connected with "the North End". As a result of his anger over this event, he agreed to give testimony for the Federal Government and the Commonwealth, the latter in connection with the murder of Teddy Deegan. He stated of the people against whom he had testified, Roy French and Ronnie Cassesso were in fact involved, French directly and Cassesso indirectly. He told me that Henry Tameleo and Peter Limone were not involved, but that he 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". He told me that the story he had told to Judge Forte and the jury in the trial of Commonwealth vs. French was in very large measure a fabrication, and that he had in that story implicated Louis Greco because of a personal grudge arising from a disagreement between himself and Greco. He further said that he did not expect a conviction to result from his testimony and, indeed, that the authorities had generally assured him that a conviction was unlikely, but the mere fact of bringing such prominent people to public trial would accomplish its own purpose. He told me that he knew that Louie Greco was in Florida at the time of the murder, and expected that fact to be so clearly shown by the evidence that his entire testimony would be cast in doubt and an acquittal - probably of all defendants - would surely result. He stated that he wished to somehow cause at least those defendants who were in no way involved with the Deegan murder to be freed from prison. He

that the death sentence imposed by the trial jury would be carried out, but was quite fearful that if he admitted to perjury in a capital case he could and would be sentenced, himself, to life in prison. He stated that he wished me to explore some method of bringing the truth before the Superior Court without causing him, Barboza, to be imprisoned for his mendacity. 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 me to advise counsel for some of the defendants as to his intent, and as to what he hoped to accomplish, and further authorized me to publish his revised version of the Deegan murder (in which he had admitted personal involvement), so long as he would not wind up in jail as a consequence. I agreed to undertake to accomplish his purposes in accordance with the conditions imposed by him, and was paid a retainer by the contractor named Frank.

Subsequently, Barboza was arrested in New Bedford for possessing a firearm unlawfully in an automobile. I represented him in connection with that matter, and when his probation was revoked and he was committed to Walpole, I brought a habeas corpus petition before Justice Roy in the Superior Court seeking his release. Subsequently, he told me 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 me and terminate his efforts to recant his trial testimony. Prior to this time, Barboza had agreed to take a polygraph test to be conducted either by Charles Zimmerman, of Boston, or by any qualified examiner upon whom attorneys for the Commonwealth, the United States, and I might agree. The purpose of this test was to demonstrate number one, the truth of his most recent account of the events surrounding the Deegan murder, including the total exculpation of Louie Greco, number two, the fact that he had not been paid or promised any remuneration in any form, by any

LAW OFFICES
F. LEE BAILEY
ONE CENTER PLAZA
BOSTON, MASS. 02108

that as to some defendants, not including Greco, he had conspired with authorities to falsely implicate them. Subsequent to his incarceration he informed me that he had been told that if he submitted to such a test he would spend the rest of his years behind bars.

I spent considerable time with Mr. Barboza in connection with this matter, and visited with him on a number of occasions in the summer of 1970 as the records at Walpole will show. I had gotten to know him rather well during the original trial before Judge Quirico which he had expected to result in a conviction. In the course of numerous discussions with Mr. Barboza he undertook to explain to me how he had justified the execution of more than twenty people, principally in connection with the so-called McLain-McLaughlin gang war in the early and middle sixties. Based upon all of my experience with Mr. Barboza and my observations of him commencing with the interview at the house in New Bedford (the first time I had seen him since the trial of Commonwealth vs. French), I am satisfied that he was telling the truth as best he knew it, when he described the falsity of his trial testimony. I further believe that his surprise at the conviction of Louie Greco was genuine. At no time in any of the conversations which were held, up to and including his termination of my services, did he say anything inconsistent with his original story to me limiting criminal liability for the Deegan murder to himself, French, Cassesso, and one other whose name I will omit unless ordered by the Court to reveal it.

FRANCIS LEE BAILEY, JR.

COMMONWEALTH OF MASSACHUSETTS:
: SS
SUFFOLK COUNTY :

000984

On this 6th day of [illegible], 1978, before me personally appeared the above named FRANCIS LEE BAILEY, JR., who first being duly sworn deposed and stated that he has read the foregoing Affidavit, by him subscribed, that he knows the contents thereof to be true to the best of his knowledge, except as to those matters therein stated to be upon information and belief, and as to [illegible] he believes them to be true.

A F F I D A V I T

My name is Attorney Alfred Paul Farese and my offices are located at 366 Broadway, Everett, Massachusetts. In 1965 my office was located at 449 Broadway, Everett, Massachusetts, and one Attorney John E. Fitzgerald was associated with me at that time.

I have read over transcripts in the case of Commonwealth vs. Louis Greco, in which Mr. Fitzgerald stated at page 5895 that I lived at 19 Montrose Street in 1965, which is not the truth, and on page 5897 Mr. Fitzgerald stated that he came to my house on August 6, 1965, and came into my den and from the den we went up to a room on the third floor with Mr. Louis Greco. This never took place because in August of 1965 I lived on the second floor of a three tenement house, and on the third floor there lived a police officer by the name of Harold Kelly, and neither I nor my family occupied any rooms on the third floor. On pages 5903, 5904 and 5905, Mr. Fitzgerald made the following statments:

"John, I was down to see Joe yesterday at Barnstable. As you know, he has two cases pending, two series of indictments pending. There's the East Boston case. On the cases involving Arthur Pearson, he charged as a habitual criminal. They are willing, one, to have Arthur Pearson say that Chico Amico stabbed him and that when he was stabbed he saw Nicholas Femia and Joseph Barboza on the other side of the street and have them come over and say they came to the aid of Arthur Pearson, and by that, then he would be found not guilty of being a habitual criminal

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as far as the Pearson case goes. However, if that is not enough, Mr. Grieco will guarantee to whack out Pearson." (Tr. 5902) "Then Mr. Farese said, 'In addition, they will give him $25,000 if he will not testify in the Deegan case and in other cases." (Tr. 5904-5905). To the best of my recollection, at no time was Mr. Fitzgerald present with Mr. Grieco ever in my home and this conversation he testified to had never taken place.

On page 5895, Mr. Fitzgerald stated he went to Florida on the 15th of July. I must confess I do not recall Mr. Fitzgerald going to Florida and I have checked with my secretary, Mrs. Harriet Lancia, who was employed by me at the time and still is employed by me, that she did not know of Mr. Fitzgerald going to Florida, but that he used to go on Reserve Duty the last two weeks of July either in upstate New York or in Massachusetts.

Sometime in April of 1973, I received a telephone call from Attorney Fitzgerald, who told me that he was working for the Office of Public Defender Directors, Pennington County, Rapid City, South Dakota, and wanted to know if I was interested in representing any of the Indians. I wrote him a letter on April 19, 1973, and replied, a copy of which I have in my files. Some two or three weeks later, I received a phone call from Mr. Fitzgerald telling me that he was going to clear the guy with the gimpy leg because he was innocent. He never mentioned Grieco by name, but I knew who he meant because Louis Grieco was the only one who had a gimpy leg in the case of Commonwealth vs. French et als.

My recollection is that I was summonsed in by the Government but was never called to testify. I also

might add that I have known Mr. Greco for many, many years, and during those years we developed a close friendship.

In the transcript, page 5865, Mr. Fitzgerald claimed that he came to work for me on or around May in 1964. This is not true because Mr. Fitzgerald came to work for me on the day that the late President John F. Kennedy's funeral took place in November of 1963, because both my secretaries were crying over the loss of President Kennedy and Mr. Fitzgerald passed a snide remark.

The above statements are made based upon my recollection, a copy of a letter sent Attorney Fitzgerald and upon ineuiry made of my secretary, and to the best of my knowledge and belief they are true.

Alfred Paul Farese
ALFRED PAUL FARESE

Middlesex, ss October 19, 1978

Sworn to and subscribed before me on this 19th day of October, 1978.

Notary Public

My Commission Expires
April 3, 1981

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Saturday, September 8, 2001

NEWS

# Probe finds evidence FBI cut Barboza loose in 1974

J. M. LAWRENCE

Congressmen probing whether the FBI knew and did nothing to stop the Mob's 1976 revenge killing of hit man Joseph Barboza have uncovered evidence the government cut loose the turncoat witness as of 1974, deeming him no longer credible, sources said.

The House Government Reform Committee found the evidence amid Department of Justice documents obtained through a subpoena issued earlier this year.

Still battling over access to internal FBI memos surrounding Barboza, the committee announced this week that the last man to see Barboza alive was a government informant.

Theodore Sharliss, aka James N. Chalmas, a Lynn ex-con, had lunch with Barboza just before he was gunned down while opening the door to his 1963 Thunderbird on a San Francisco street.

Sixteen years later, Sharliss implicated hit man J.R. Russo as the gunman who shot down Barboza, 43, from a stolen white van.

Sharliss himself was convicted of conspiracy in Barboza's murder and was sentenced to five years, according to records.

House committee members probing the FBI's alliances with gangster informants want to know if the government knew its own informant was setting Barboza up, the committee said this week in a document supporting its subpoena for internal DOJ documents.

Barboza's former attorney, F. Lee Bailey, told the Herald "it doesn't seem likely" that the government would have orchestrated Barboza's death.

"Whether or not they got a tip he was going to be gunned down remains to be seen," Bailey said.

Bailey did note that in 1970, Boston FBI agents were pressuring Barboza not to recant his testimony in the 1965 Edward "Teddy" Deegan



murder case.

Bailey had set up a lie detector test for his client and was preparing motions to win release for four men whom Barboza wrongly accused.

The defense attorney said agents told Barboza, who was being held in Walpole state prison, "If you don't fire Bailey and cancel this test, you'll never see the light of day again."

FBI documents uncovered last year show FBI agents H. Paul Rico and Dennis Condon withheld evidence in the Deegan case that would have disproved Barboza's version of the murder and shown he was protecting his friend and accomplice Jimmy "The Bear" Flemmi.

"I think they were afraid of what exactly is happening now. They had to contain the issue," Bailey said. Barboza refused the lie detector test and the FBI placed him in the Witness Protection Program in Santa Rosa, Calif.

In 1971, he shot and killed a fellow thug over a stash of bonds, but won a plea agreement to second-degree murder after Rico and Condon testified on his behalf. He was sentenced to five years.

The hit man was killed shortly after his release from prison.

Bailey said he doubts few documents exist to prove a cover-up.

"If Rico hasn't shredded - once the (expletive) began to hit the fan - everything that was associated with him helping Barboza commit perjury, I would be very surprised."

Attorneys for Rico, now 78, could not be reached for comment.

TABULAR OR GRAPHIC MATERIAL SET FORTH IN THIS DOCUMENT IS NOT DISPLAYABLE

Caption: BAILEY: Was Mob victim Joseph Barboza's attorney.

---- INDEX REFERENCES ----

NAMED PERSON: BARBOZA, JOSEPH; SHARLISS, THEODORE; BAILEY, F LEE

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

NEWS SUBJECT: English language content; Crime/Courts; Political/General News; Crime (ENGL GCRIM GCAT CRM)

EDITION: ALL EDITIONS

OCT 28 1978

# Indictment returned in slaying

An indictment has been returned in the 1976 street slaying of Joseph "the Baron" Barboza, a former New England Mafia hit man convicted of a Sonoma County murder in 1970.

A special grand jury in San Francisco indicted Theodore J. Sharliss, a former prison friend of Barboza, charging him with conspiring to violate Barboza's civil rights, a conspiracy "that resulted in, the caused the death of" Barboza.

Sharliss, 42, believed living in Chula Vista, was being sought by the FBI today.

The indictment did not name the actual killers.

Barboza was gunned down at 25th Avenue and Moraga Street in San Francisco in February of 1976 as he was unlocking his car near Sharliss's apartment.

After the slaying, Sharliss told San Francisco police Barboza visited him and that they had driven to a delicatessen for lunch, then returned to Sharliss's apartment.

Barboza was a key witness in 1968 against Raymond Patriarca, reputed to have been the head of organized crime in New England.

Following his release from prison, where he was sent in 1971 for slaying Ricky Clay Wilson near Glen Ellen, Barboza went to live in San Francisco under the Federal Witness Protection Program.

He was given a new identity and some police protection because Barboza claimed there was an underworld contract out on his life.

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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, 1970, and swore that he had read the foregoing affidavit and affixed memorandum and that the facts therein stated are accurate and true.

Edward F. Baker
Notary Public
M.C.E. 10/5/84

RECEIVED
FEB 04 2002
HOUSE COMMITTEE ON
GOVERNMENT REFORM



WTB:EFM: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

EXHIBIT "A" R.8

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT
#31601, #32369, #3237

COMMONWEALTH

VS.

LEWIS GRIECO ET AL

FORD, J.
11-3 -78

MEMORANDUM OF DECISION ON DEFENDANT'S MOTION FOR NEW TRIAL NO. 3

1. The defendant was found guilty of murder and conspiracy to murder on July 31, 1968, after trial before Justice Forte and a jury. This Motion for New Trial (No. 3) came on to be heard before me after a special assignment by the Chief Justice, following the retirement of Justice Forte.

2. The principal grounds relied upon are allegations of newly discovered evidence, etc. as to:

3. Polygraph Tests. Polygraph tests taken in 1967 and 1978 are alleged to show defendants' innocence.

4. Alibi. Barbara Brown's affidavit alleges defendant was in Florida at time of murder.

5. Trial Testimony of Primary Prosecution Witness Joseph Baron Barboza, Deceased. Affidavits of James Southwood, F. Lee Bailey and William Geraway allege Barboza recanted testimony.

6. Trial Testimony of John E. Fitzgerald, Prosecution Witness. Affidavit of Alfred Farese alleges Fitzgerald lied about conversation with Farese.




R. 8

R.

7. Commonwealth materials in opposition include, inter alia, testimony of Barboza in a California case (Exhibits 1 and 2) and an affidavit by United States Attorney Edward Harrington. I have collected and caused to be placed in the permanent court files with the papers in the case transcripts of both the previous motion hearings (No. 1 and No. 2) and the present one (No. 3) together with relevant portions of the transcript of the original trial. I have carefully examined these documents. The trial was thoroughly scrutinized by the Supreme Judicial Court in Commonwealth v. French, 357 Mass. 356 (1970), (see especially pp. 362, 369, 370). Certain post-trial claims of a co-defendant were reviewed by the Supreme Judicial Court in Commonwealth v. Cassesso, 360 Mass. 570 (1971). In the latter case, much of the same material as now before this court was considered and denied as grounds for post-trial relief.

8. Except for the alibi evidence, the issues raised in the defendant's affidavits were previously considered in whole or in part in New Trial Motions No. 1 and No. 2 (see Appendix A).

9. The record of the current proceeding is confused, unstructured and conflicting. Many, if not all, of the current claims have been dealt with in the past. Except for the Alibi area, the current claims are largely reworked and expanded versions of claims previously considered and denied. See Appendix A for summary of previous trial motions.

R.10

10. Polygraph. The matter of the polygraph evidence was ruled upon in open court. As stated at pages 7 and 8 of the transcript of the October 3, 1978 hearings, the 1967 polygraph test was not only known to defense counsel at the time of the first trial, but (see ¶7 at page 10 of the 1974 Motion for New Trial [No. 2]), it was also one of the grounds alleged in a 1974 Motion for New Trial which was denied by Judge Roy on June 3, 1974. No appeal was perfected. By the same token, the recent polygraph tests which produced the same results as the 1967 test are likewise not new evidence. Moreover, it should be noted that neither test complied with standards for admissibility set out in Commonwealth v. A Juvenile, 365 Mass. 421 (1974).

11. Alibi. The alibi testimony of Barbara Downes Brown was available to and known to the defendant at the time of the first trial. It is not now newly discovered evidence.

12. Barboza Testimony. As to the trial testimony of Joseph Baron Barboza, I choose to rely upon the affidavit of United States Attorney Edward F. Harrington and the Barboza testimony in the case of People of California v. Joseph Bently (Joseph Baron Barboza), marked as Exhibits 1 and 2. (See especially pages 100, 191, 276-79) rather than the reworked affidavits submitted by the defendant.

13. Fitzgerald Testimony. I am not persuaded by the new affidavit of Albert E. Farese who seeks to impeach Fitzgerald. Farese was available at the trial as well.

K.11

14. After careful consideration of the records, briefs, and arguments of counsel, I find and rule that the defendant has failed to convince me either that there is newly discovered evidence or that a new trial should be granted in the interests of justice under the provisions of G.L. c. 278, §29. United States v. Street, 570 F.2d 1 (1st Cir. 1977), sets forth succinctly the standards for granting of new trials. They have not been met by this defendant. As the Supreme Judicial Court stated in Commonwealth v. Cassesso, supra, I am of the opinion that the defendant has thus far

> "...not presented facts, made supportable sworn offers of proof of expected admissible evidence, or shown sufficient [other] basis to require, as matter of law, at this time a new trial or even an evidential hearing on matters raised by [his] motions."
>
> 358 Mass. 570 at 578.

15. For the foregoing reasons, defendants' Motion for New Trial (No. 3) is DENIED.

ENTERED: November 5 1978

Joseph Ford
Justice of the Superior Court

[illegible] HEARING

PETITIONER: PETER J. LIMONE
OFFENSE: ACC. BEFORE FACT OF MURDER ONE

SENTENCE: LIFE
EFF. DATE: 11-1-67
DATE PETITION REC'D: 10-16-78

GRANT
✓ DENY
DENY W/O PREJ.
COMMENTS:
Concur [redacted]
[redacted]
DATE 11/6/78

GRANT
✓ DENY
DENY W/O PREJ.
COMMENTS:
CONCUR WITH OPINION as articulated by Board members [redacted]
[redacted]
DATE 11/6/78

GRANT
DENY
DENY W/O PREJ.
COMMENTS:
[redacted]

GRANT
✓ DENY
DENY W/O PREJ.
COMMENTS:
HAYNES
11-6-78 [redacted]
[illegible]

GRANT
✓ DENY
DENY W/O PREJ.
COMMENTS: [illegible] petition attacks the judicial finding and thus, should be remedied thru judicial process.
[redacted]
DATE 11-3-78

GRANT
✓ DENY
DENY W/O PREJ.
COMMENTS:
To the extent this petition is based upon an alleged miscarriage of justice, we lack the statutory authority to investigate this contention. On the merits, while there are positive aspects to petitioner's institutional performance they are not sufficient to overcome this particular crime and the relatively short time [illegible]
[redacted]
11/6/78

GRANT
✓ DENY
DENY W/O PREJ.
COMMENTS:
concur [redacted]
[redacted]
11/6/78

EXHIBIT
674

The Commonwealth of Massachusetts
Department of Correction
Massachusetts Correctional Institution, Framingham
Framingham 01701

JOHN E. BATES
Superintendent

November 13, 1978

TO: To Whom it May Concern

FROM: John E. Bates, Superintendent

RE: Joseph Salvati

Gentlemen:

I have been requested by Joseph Salvati to provide him with a recommendation for his use in attempting to have his sentence reduced or commuted. In response to this request, I am pleased to be able to report the following.

Joseph Salvati was committed to M.C.I. Walpole on July 30, 1968 and he remained there until September 1, 1973 when he was transferred to M.C.I. Framingham.

During his period of incarceration at M.C.I. Walpole, Mr. Salvati was assigned principally as the Catholic Chaplain's clerk, a job which he performed very capably. The Catholic Chaplain, Father Foley, always speaks highly of Mr. Salvati and rates his work as excellent.

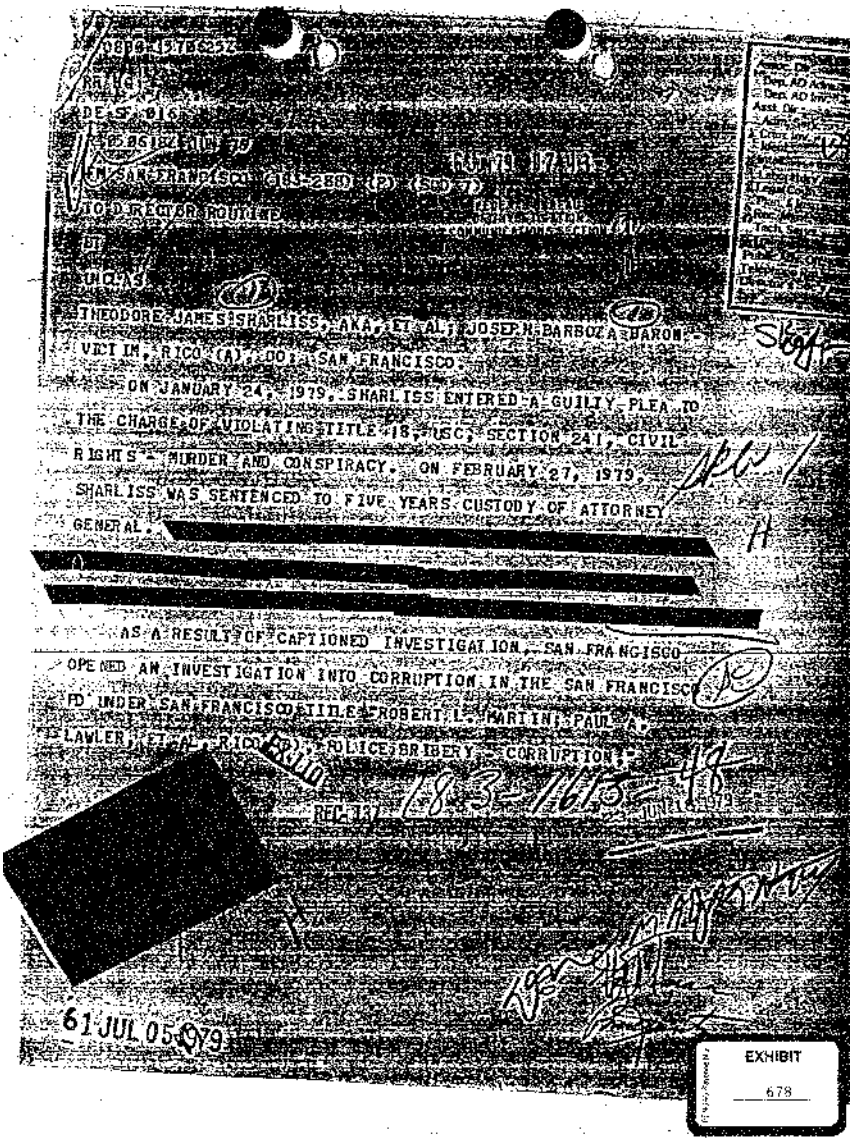
Mr. Salvati's behavior has been excellent all during his period of incarceration and during those increasingly frequent periods when M.C.I. Walpole has been in a state of chaos, Mr. Salvati has been able to maintain his positive attitude. At no time have I ever even suspected that Mr. Salvati had allowed himself to be drawn into the violence and anti-institutional behavior that began to permeate Walpole.

Mr. Salvati has been able to create and maintain good relations with other inmates and the institutional staff.

When M.C.I. Framingham began to function as a work and educational release facility in March of 1973, I was transferred to that institution. One of my tasks was to help select a small cadre group of inmates from the other institutions to help with the maintenance of M.C.I. Framingham. When Mr. Salvati applied from M.C.I. Walpole, I had no hesitation in recommending his inclusion in the cadre group. He was transferred to M.C.I. Framingham on September 1, 1973. Since his arrival here at M.C.I. Framingham, Mr. Salvati has been assigned to the institution kitchen where his efforts have gained him the respect of all the staff.

Since May 1, 1975 Mr. Salvati has been assigned to and entrusted with the running of the residents co-op store. He has done an outstanding job justifying our decision to give him the increased responsibili[illegible]

EXHIBIT
675



0800 4570625Z

RR HQ

DE SF 016

R 050618Z JUN 79

FM SAN FRANCISCO (183-288) (P) (SCD 7)

TO DIRECTOR ROUTINE

BT

UNCLAS

THEODORE JAMES SHARLISS, AKA, ET AL; JOSEPH BARBOZA BARON - VICTIM, RICO (A), DO: SAN FRANCISCO.

ON JANUARY 24, 1979, SHARLISS ENTERED A GUILTY PLEA TO THE CHARGE OF VIOLATING TITLE 18, USC, SECTION 241, CIVIL RIGHTS - MURDER AND CONSPIRACY. ON FEBRUARY 27, 1979, SHARLISS WAS SENTENCED TO FIVE YEARS CUSTODY OF ATTORNEY GENERAL. [redacted]

AS A RESULT OF CAPTIONED INVESTIGATION, SAN FRANCISCO OPENED AN INVESTIGATION INTO CORRUPTION IN THE SAN FRANCISCO PD UNDER SAN FRANCISCO TITLE "ROBERT L. MARTIN; PAUL A. LAWLER, ET AL, RICO (A), POLICE BRIBERY - CORRUPTION."

EX-110

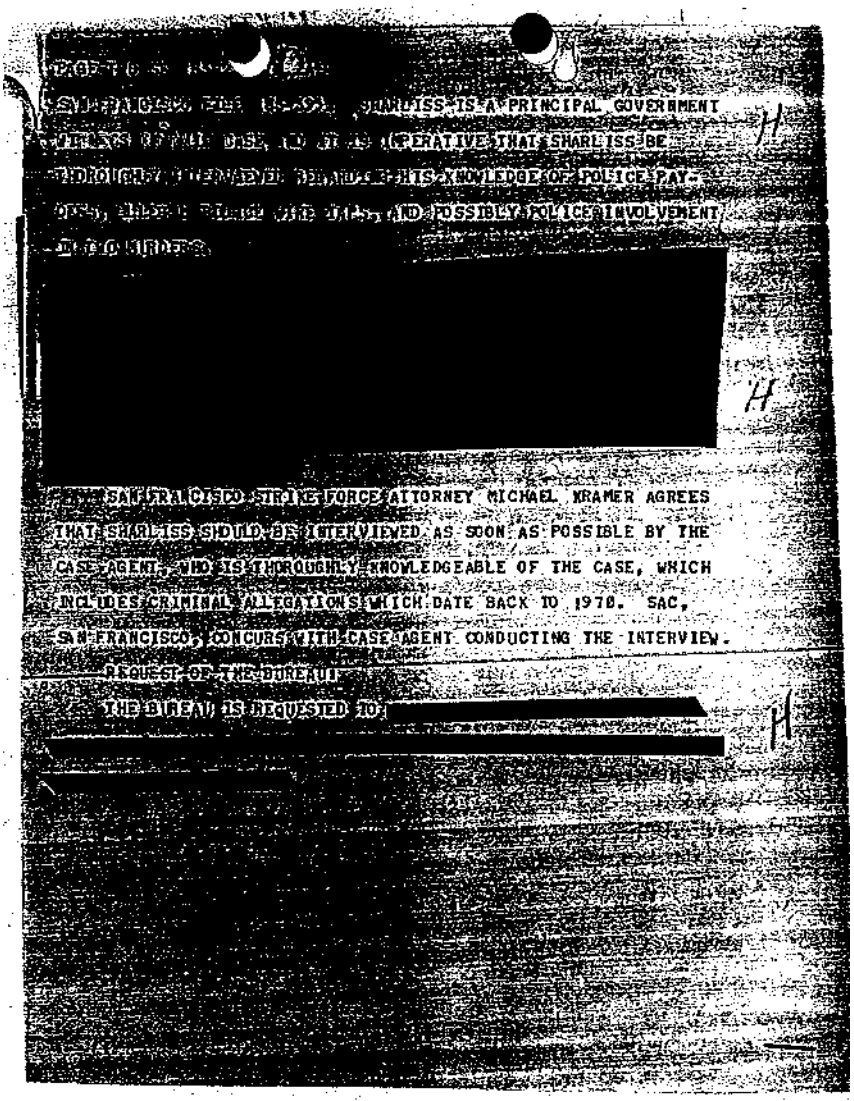
REC-137 183-1615-48

JUN 1 1979

61 JUL 05 1979

EXHIBIT

678



[redacted] SHARLISS IS A PRINCIPAL GOVERNMENT
[redacted] OPERATIVE THAT SHARLISS BE
[redacted] HIS KNOWLEDGE OF POLICE PAY-
[redacted] AND POSSIBLY POLICE INVOLVEMENT
[redacted]

[redacted] SAN FRANCISCO STRIKE FORCE ATTORNEY MICHAEL KRAMER AGREES THAT SHARLISS SHOULD BE INTERVIEWED AS SOON AS POSSIBLE BY THE CASE AGENT, WHO IS THOROUGHLY KNOWLEDGEABLE OF THE CASE, WHICH INCLUDES CRIMINAL ALLEGATIONS WHICH DATE BACK TO 1970. SAC, SAN FRANCISCO, CONCURS WITH CASE AGENT CONDUCTING THE INTERVIEW.

REQUEST OF THE BUREAU

THE BUREAU IS REQUESTED TO [redacted]

# Man gets 5 years for 'Mafia' killing

Theodore J. Sharliss was sentenced to five years in prison for conspiracy in the 1976 killing of former Mafia hit man Joseph "The Baron" Barboza, who once lived in Santa Rosa under the name Joseph Bentley.

Sharliss' role, according to U.S. District Judge Alfonso J. Ziproli Tuesday in San Francisco, was to locate Barboza for the actual killers who have not yet been indicted.

Sharliss, 42, pleaded guilty in a closed session last month and agreed to testify against the killers. Also known as James Chalmas, Sharliss is in protective custody.

Barboza was shot while unlocking his car door outside Sharliss' apartment in San Francisco in February, 1976. A white van pulled by and a shotgun and pistol were fired, killing Barboza.

Barboza, in 1968, was a key witness against Raymond Patriarca of Providence, R.I., the reputed leader of organized crime in New England. Barboza often boasted of killing at least 26 people for the New England Mafia.

After turning informer he was given protection by the Justice Department, and a new identity as Joseph Bentley, the name he assumed while living in Santa Rosa in 1970.

A year later he was sent to prison for second degree murder in the killing of Ricky Clay Wilson of Santa Rosa.

He served four years for the murder, was paroled and then secluded in the bay area, but rumors were that he was the target of a quarter million death contract put out by the New England Mafia.

MAR - 1 1979

RECEIVED
5 1979
EXECUTIVE SECRETARY

THE COMMONWEALTH OF MASSACHUSETTS

February 1, 1979

*To His Excellency the Governor:*

*I,* JOSEPH L. SALVATI
(fill in name of petitioner)

*now confined* / ~~*on parole from*~~ } Massachusetts Correctional Institution- Framingham

*having been convicted of the crime of* accessory before the fact of murder

*for which I was sentenced on* August 1, 1968, *in the*
(date)

Suffolk Superior *Court to serve a term of* life

*do hereby petition for a* commutation ~~*pardon*~~ *of said crime, either absolute or upon such conditions and limitations as may be deemed proper.*

Joseph L Salvati M.C.I. Framingham
(signature and address of petitioner)

*I was born at* Boston *on* October 30, 1932
(fill in place) (date)

*I am petitioning for a pardon for the following reasons: (state briefly)*

ve been in Prison since October 25, 1967, the date of my arrest. After conviction, I served
riod of six years at M.C.I.--Walpole. As a prisoner of proven trust; I was one of the first
rs transferred to medium security at M.C.I.--Framingham. I was the first prisoner serving
fe sentence to be allowed a furlough. I have never violated any trust that has been placed in
on any furlough which I was granted. I have also never violated any trust that has been placed
ıe as manager of the Co-op Store which serves both staff and residents alike at M.C.I.--
mingham. My record of imprisonment has been one of trust, responsibility and co-operation.
sh to be released from prison in order to provide for my wife and family. If I am given the
ortunity to be released from prison, I will once again prove that any such trust has not been
placed.

*(Endorsers signing, please write your address)*

EXHIBIT
679

*Return to Executive Secretary, Room 184, State House*

(SEE REVERSE SIDE)

The Commonwealth of Massachusetts
Advisory Board of Pardons
Leverett Saltonstall Building, Government Center
100 Cambridge Street, Boston 02202

GERTRUDE T. CUTHBERT
CHAIRMAN

FINDING

RE: JOSEPH L. SALVATI

YOUR EXCELLENCY:

The Advisory Board of Pardons respectfully reports herewith in accordance with the provisions of Massachusetts General Laws, Chapter 127, Section 152.

The above named has petitioned Your Excellency for Commutation of his sentence. On February 16, 1979, full consideration was given to the merits of said petition, and it was decided that a hearing with reference to commutation of sentence was not granted for the following reasons:

The Membership has determined that this petition has been presented too soon following conviction of Murder-First Degree. This petitioner has been incarcerated since July, 1968 and the nature of this crime demands additional time.

Accordingly, the Advisory Board of Pardons respectfully recommends to Your Excellency, that this petition for commutation consideration be denied.

The petitioner has received written notification outlining the Board's view on his request.

RESPECTFULLY SUBMITTED:

_____, MEMBER

_____, MEMBER

_____, MEMBER

_____, MEMBER

FEBRUARY 23, 1979
MMM

EXHIBIT
681

# Man gets 5 years for 'Mafia' killing

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After turning informer he was given protection by the Justice Department, and a new identity as Joseph Bentley, the name he assumed while living in Santa Rosa in 1970.

A year later he was sent to prison for second degree murder in the killing of Ricky Clay Wilson of Santa Rosa.

He served four years for the murder, was paroled and then secluded in the bay area, but rumors were that he was the target of a quarter million death contract put out by the New England Mafia.

MAR 1 1979

Pam Moore

EXHIBIT
682

LAW OFFICES
JACK I. ZALKIND
AND ASSOCIATES
[redacted]
BOSTON, MASSACHUSETTS 02108
[redacted]

March 12, 1979

TO WHOM IT MAY CONCERN:

Re: Joseph Salvati

I have been asked by Attorney Victor Garo to write you regarding my feelings concerning the commutation of Joseph Salvati whom I prosecuted in the case of Commonwealth v. French, et al in 1968.

During the investigation of this case, prior similar activities by Mr. Salvati never came to my attention, and it was my belief at that time that it was Mr. Salvati's first serious criminal involvement. The evidence at the trial indicated that he was not involved with the actual shooting of the victim. Indeed, at the time of the actual shooting, Mr. Salvati had left the scene because of an unrelated event.

At the conclusion of the trial, the jury recommended leniency for Mr. Salvati and he was sentenced accordingly. Throughout the preparation of the trial, Mr. Salvati never tried to impede my investigation and at trial he behaved without incident. There were no plea negotiations in this case; however, I would have recommended a plea to Second Degree Murder if that situation ever came about.

I now understand that Mr. Salvati has served his sentence over the last twelve years as a model inmate and that he has shown remarkable efforts in his attempt to rehabilitate himself to a constructive life.

Based upon all of the aforementioned reasons and factors, I would recommend to your Honorable Board that his sentence be commuted and that he be released accordingly.

Very truly yours,

Jack I. Zalkind

JIZ/ls

EXHIBIT
683

FRANK L. WALSH
[redacted] ROSLINDALE, MASSACHUSETTS 02131

March 15, 1979

To Whom It May Concern:

I retired as a Sergeant Detective from the Boston Police Department after 32 years of service and currently am employed as manager of security for a large multi-purpose center, located in Boston.

While with the Department and during my assignment in the Organized Crime Unit, I was involved in the investigation, arrest, and prosecution of James Salvati, (and others) which resulted in the sentence he is now serving.

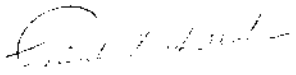
During my investigations prior to his indictment, subsequent sentencing and to this date, I have never become aware that Mr. Salvati has been even remotely connected with firearms or physical violence.

Over the recent past, I have maintained contact with the people in the North End, among them the family of Joe Salvati. It is because of these continuing contacts that my opinion is he has been thoroughly rehabilitated and bears no ill will against our prosecutive or corrective system.

My knowledge of the prisoner's background, and his family, convince me that he is deserving of the opportunity to rejoin his community and serve a useful life.

In my long personal involvement with law enforcement, I have written only two letters of this type recommending consideration for parole and both have been for Joseph Salvati.

Respectfully,





UNITED STATES GOVERNMENT

memorandum

DATE: 3/28/79

REPLY TO ATTN OF: SAC, BOSTON (92-1132)

SUBJECT: JOSEPH BARON
AR (00: Boston)

TO:

DIRECTOR, FBI (92-9828)

Re Bureau letter of 5/8/78 to Albany, entitled, "Destruction of Field Files and Records".

Captioned matter 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 poperly notified.

2 - Bureau
2 - Boston
PMK:mkm
(4)

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EXHIBIT
685

SUBJECT TO PROTECTIVE ORDER

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

REPORT OF PERFORMANCE RATING

Name of Employee: JOHN M. MORRIS

Where Assigned: Boston (Division) Organized Crime - C-3 (Section, Unit)

Official Position Title and Grade: Special Agent - Field Supervisor - GS-14

Rating Period: from April 16, 1978 to March 31, 1979

ADJECTIVE RATING: OUTSTANDING (Outstanding, Excellent, Satisfactory, Unsatisfactory) Employee's Initials

Rated by: [signature] (Signature) Assistant Special Agent in Charge (Title) 3/31/79 (Date)
JOEL A. CARLSON

Reviewed by: [signature] (Signature) Special Agent in Charge (Title) 3/31/79 (Date)
JAMES J. DUNN, JR.

Rating Approved by: [signature] (Signature) Assistant Director (Title) 4/10/79 (Date)

TYPE OF REPORT

☒ Official
☒ Annual

☐ Administrative
☐ 60-Day
☐ 90-Day
☐ Transfer
☐ Separation from Service
☐ Special

REC-152

67-693564-63
Searched ___ Numbered ___
8 JUN 8 1979

4 JUN 13 1979

THREE

EXHIBIT
686

FBI-BCGR-000001961

SUPERVISORY INCENTIVE AWARD

Boston, Massachusetts

March 31, 1979

JOHN M. MORRIS
Special Agent -
Field Supervisor - GS-14

Supervisor JOHN M. MORRIS supervises the work of the Organized Crime Squad of the Boston Division and is Program Manager for all Organized Crime activities of the Boston Division. In this role, he is responsible for outlining the program objectives and determining the direction of this investigative program. He has taken a most resourceful and aggressive stance in defining the objectives and carrying them out. Supervisor MORRIS has taken the initiative in many significant investigations and has offered his subordinates guidance in developing innovative approaches. He has demonstrated a complete and comprehensive knowledge of his duties and has applied these understandings to practical applications.

Supervisor MORRIS is a most able leader who has had difficult decisions to make in connection with his oversight of several significant cases in the Boston Division. Not the least of these is an undercover operation entitled "Operation Lobster" which resulted in the indictment of forty-six individuals. This operation entailed directing the activities of an undercover Agent for eighteen months, devising procedures and techniques which would not only protect the identity of the undercover Agent but would guarantee meaningful involvement of the subjects in criminal activity and handling sensitive relationships between the FBI and several other police agencies who became peripherally involved in the operation. His squad also has uncovered significant criminal involvement in a "bust out" case, a horse race fixing scheme and a gang of burglars and narcotics distributors. His intense interest, demand for performance and mature oversight were key factors in the success of these several operations.

His performance was most deserving of an outstanding evaluation.

FD-185a (Rev. 2-1-78)

MANCE RATING GUIDE FOR INVESTIGATI[illegible] COUNSEL
CHECKLIST AND NARRATIVE COMMENTS
*(For use as attachment to Performance Rating Form FD-165)*

Name of Employee JOHN M. MORRIS

Note: *Only those items having pertinent bearing on employee's performance during the rating period should be rated. Actual performance is to be compared with current, existing job description requirements.*

RATE ITEMS AS FOLLOWS:
+ 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.)*
S 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.*
0 No opportunity to appraise. In other responses, use "X."

(Use INK for Checklist - DO NOT TYPE) — RESPOND TO EVERY ITEM

+ 1. Personal appearance.
+ 2. Personality and effectiveness of personal contacts.
+ 3. Attitude *(including dependability, cooperativeness, loyalty, enthusiasm, amenability, and willingness to equitably share workload).*
+ 4. Physical fitness *(including health, energy, stamina).* "Any physical limitations affecting performance? ☐ Yes ☒ No. 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? ☐ Yes ☐ No. *(If answer to either is yes, explain.*

+ 5. Resourcefulness, ingenuity, and initiative.
+ 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. Performance results *(rate if applicable and mark others 0)* 0 A. Foreign Counterintelligence (FCI); + B. Criminal Investigative; + C. Fugitive; 0 D. Applicant; 0 E. Accounting; + F. Informants; + G. Domestic Security and Terrorism; + H. Other, such as Supervisor.

*Comment on type of work handled entire rating period, including performance in other divisions, and appraisal of overall work performance:*

SA MORRIS supervises the Organized Crime Program of the Boston Division and is responsible for the Organized Crime Squad. He is a highly motivated mature and capable Supervisor who has produced significant accomplishments for the Boston Division through his most innovative leadership. During this rating period, an undercover operation under his supervision culminated in indictment of forty-six individuals. His supervision required an indepth knowledge of Title III installations and other sensitive matters involving police corruption and informant handling. Supervisor MORRIS also acts as coordinator for the Organized Crime Informant Program and has done an outstanding job in that regard as well. His squad has also produced significant results in a "bust out" case and in a horse racing scheme. He also has taken initial steps in regard to a (continued)

Complexity of matters handled: ☐ None ☐ Moderate ☒ Most complicated
Degree of supervision required: ☐ Above average ☐ Average ☒ Minimum ☐ None

Employee's Initials

A. Employee signifies by initialing hereafter that during the course of receiving the performance rating report (both this provision in annual, 60-day or 90-day report(s) employee has read and understands position description.

B. Is employee available wherever needs of service require for general assignment? ☒ Yes ☐ No Special assignment? ☒ Yes ☐ No

C. Is employee qualified to operate a motor vehicle incidental to 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 to be used. (b) Is physically fit to drive. (c) Past safe driving record OK or has passed Bureau road test.

D. Specify general nature of assignment during most of rating period *(such as security (FCI), criminal, applicant squad, Accountant, or as Resident Agent, supervisor, instructor, etc.)*: Field Supervisor

ADJECTIVE RATING: OUTSTANDING, EMPLOYEE'S INITIALS _____
*(Outstanding, Excellent, Satisfactory, Unsatisfactory)*

SUBJECT TO PROTECTIVE ORDER

SUBJECT TO PROTECTIVE ORDER

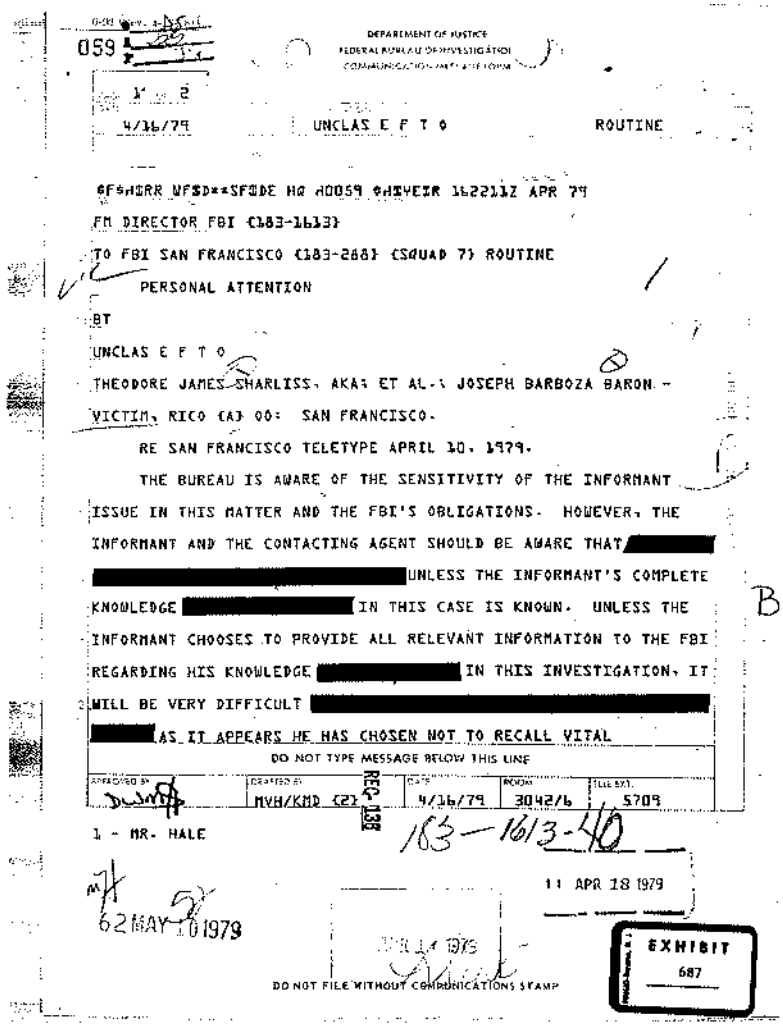
JOHN M. MORRIS

12. (Continued)

Title III targeted against significant Organized Crime persons in the Boston area. Supervisor MORRIS is imaginative and aggressive in his pursuit of complicated investigative problems.

Employee's Initials _____

059



DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS INTERPRETATION

1 2

4/16/79 UNCLAS E F T O ROUTINE

OF\HIRR WFSD**SFIDE HQ H0059 \HIVEIR 162211Z APR 79

FM DIRECTOR FBI (183-1613)

TO FBI SAN FRANCISCO (183-288) (SQUAD 7) ROUTINE

PERSONAL ATTENTION

BT

UNCLAS E F T O

THEODORE JAMES SHARLISS, AKA; ET AL.; JOSEPH BARBOZA BARON - VICTIM, RICO (A) OO: SAN FRANCISCO.

RE SAN FRANCISCO TELETYPE APRIL 10, 1979.

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] 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] AS IT APPEARS HE HAS CHOSEN NOT TO RECALL VITAL

DO NOT TYPE MESSAGE BELOW THIS LINE

| APPROVED BY | DRAFTED BY | DATE | ROOM | TELE EXT. |
|---|---|---|---|---|
| DWM | MVH/KMD (2) | 4/16/79 | 3042/6 | 5709 |

REC-138

1 - MR. HALE

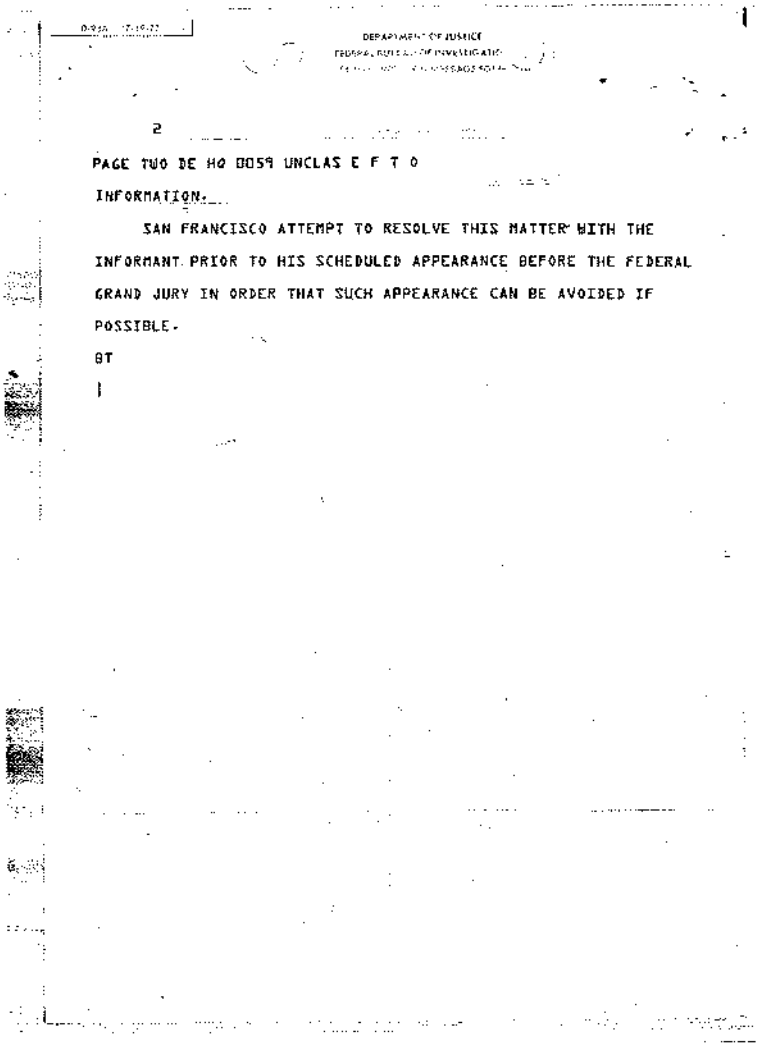
183-1613-40

11 APR 18 1979

62 MAY 10 1979

DO NOT FILE WITHOUT COMMUNICATIONS STAMP

EXHIBIT 687



DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

2

PAGE TWO DE HQ 0059 UNCLAS E F T O

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.

BT

FD-36 (Rev. 7-27-76)

FBI

| TRANSMIT VIA: | PRECEDENCE: | CLASSIFICATION: |
|---|---|---|
| ☐ Teletype | ☐ Immediate | ☐ TOP SECRET |
| ☐ Facsimile | ☐ Priority | ☐ SECRET |
| ☒ Airtel | ☐ Routine | ☐ CONFIDENTIAL |
| | | ☐ E F T O |
| | | ☐ CLEAR |

Date 5/15/79

TO: DIRECTOR, FBI (183-1613)

FROM: SAC, SAN FRANCISCO (183-288) (P) (SQD 7)

SUBJECT: THEODORE JAMES SHARLISS, aka;
ET AL;
JOSEPH BARBOZA BARON - VICTIM
RICO (A)

OO: SF

Re San Francisco tel call to SA JOHN CONNOLLY, Boston, 5/14/79.

ADMINISTRATIVE:

San Francisco continuing efforts to obtain a prosecutable case against JOSEPH ANTHONY RUSSO and any Boston LCN associates for the murder of BARBOZA. The following information is set-forth from numerous Bureau sources and should be handled with appropriate confidentiality:

On [redacted] advised that JOE CERRITO of the San Jose Family (now deceased) [redacted] was concerned over the involvement of JOE PIAZZA, ANGELO MARINO and MANNY PIGLIA in the BARBOZA murder. PIAZZA reportedly was involved in the acquisition of the van used in the murder of BARBOZA. Source was unable to obtain any further information [redacted]

REC. 157 183-7013-45

On 12/14/78 ALADENA FRATIANNO was interviewed and advised that in November, 1975, he was asked by a San Francisco bookmaker to get rid of BARBOZA because BARBOZA was shaking him down. After this conversation, FRATIANNO told an associate, JOEY, aka SINIO JOSEPH DANIELLE, about the conversation.

2-Bureau
3-Boston
2-San Francisco
JRP:kah
(7)

7 MAY 21 1979

EXHIBIT 688

57 JUN 14 1979

Approved: _____ Transmitted _____ (Number) (Time) Per _____

SF 183-288
JRP:kah

DANIELLE advised he would call his brother, a bartender in Springfield, Mass., or a family friend, FRANK SCABELLI, aka Skyball, a made man in Boston, and see if there was interest by the Boston Family in BARBOZA. Several days later, DANIELLE told FRATIANNO that he contacted Boston and was told that there was an interest and the matter was being handled.

B

On [redacted]
LCN figures identifying SINIO, who was currently residing in Las Vegas, as being involved in the murder of BARBOZA. Through investigation, it has been determined this same individual is identical to the SINIO in conversation with FRATIANNO.

Review of information provided by a former San Diego source (now deceased) determined that from 1969 through 1971 SCABELLI had traveled from Boston to San Jose, Calif., to conduct gambling business with ANGELO MARINO.

Now that there is an apparent link between Boston through SCABELLI to the San Francisco area through MARINO, San Francisco is attempting to determine if, in fact, MARINO, et al, are involved in the murder of BARBOZA. It should be noted that MARINO, PIAZZA and three other LCN subjects are currently on trial for the murder of PETER J. CATELLI in San Jose, Calif.

LEADS:

BOSTON

AT BOSTON, MASSACHUSETTS: Provide background, description and photograph of FRANK SCABELLI, aka Skyball.

2. Canvass sources knowledgeable of SCABELLI's activities and attempt to determine any travel to California or any additional contacts with ANGELO MARINO of San Jose, Calif.

D

3. Provide the identity of individual who can testify before Federal Grand Jury as to [redacted]

AT SPRINGFIELD, MASSACHUSETTS: Through logical sources, including bartender's unions and licensing departments, attempt to identify SINIO DANIELLE's brother, (FNU) DANIELLE, who either owns or tends bar in that City. If identified, conduct criminal check and attempt to determine any relationship to SCABELLI.

Investigation continuing at San Francisco.

| STATE vs. | INDICTMENT NO. |
|---|---|
| Murder and Accessory before the Fact to Murder | 69-767 |
| DEFENDANTS: | YEAR DISPOSED OF |
| Robert E. Fairbrothers, ET AL | |

ATTORNEYS FOR DEFENDANTS

MANOCCHIO-John Tramonti, Jr.

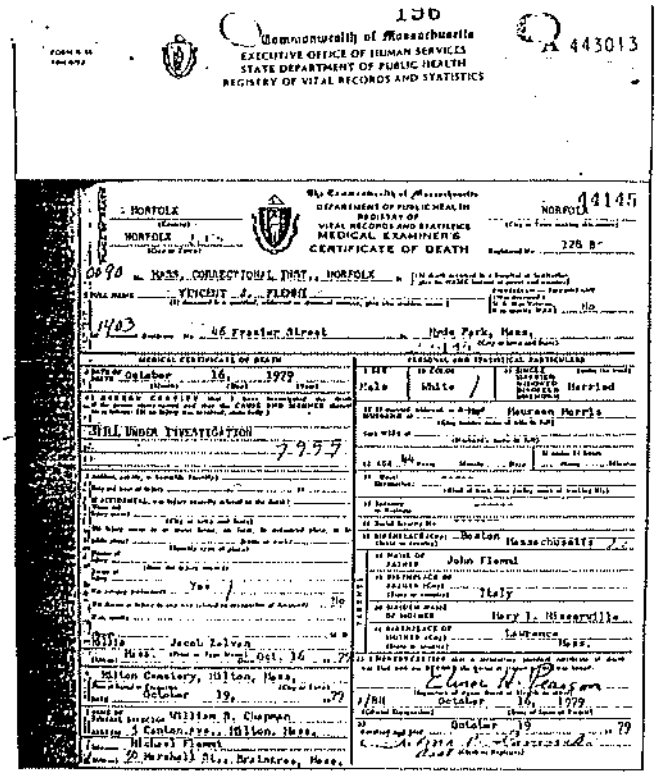
| DATE | ENTRIES |
|---|---|
| July 6,1979 | RODGERS, J. Defendant (MANOCCHIO) appears on warrent and is arraigned. Defendant pleas not guilty. Bail is set at $20,000 or 10% cash with surety. For want of bail is committed. Continued 8/20/79 to determine attorney. Same day defendant gives bail sum of $20,000. Recognizance 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. |
| October 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 filed of a disposed case, in which defendant R. Petriarca was defendan may be returned to the defendant, and also exhibits to be withdrawn. |
| October 15, 1979 | (MANOCCHIO)Entry of appearance filed, motion for pre-trial 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 |

EXHIBIT 689

S-15a

CONTINUED

156



Commonwealth of Massachusetts
EXECUTIVE OFFICE OF HUMAN SERVICES
STATE DEPARTMENT OF PUBLIC HEALTH
REGISTRY OF VITAL RECORDS AND STATISTICS

A 443013

The Commonwealth of Massachusetts
DEPARTMENT OF PUBLIC HEALTH
REGISTRY OF
VITAL RECORDS AND STATISTICS
MEDICAL EXAMINER'S
CERTIFICATE OF DEATH

NORFOLK 44145

NORFOLK

0090 MASS. CORRECTIONAL INST., NORFOLK

VINCENT J. FLEMMI

1403 46 Frazier Street Hyde Park, Mass.

MEDICAL CERTIFICATE OF DEATH

October 16, 1979

SKILL UNDER INVESTIGATION

7957

Yes / No

Willis Jacob Zelven

Mass. Oct. 16, 79

Milton Cemetery, Milton, Mass.

October 19, 79

William B. Chapman

5 Canton Ave., Milton, Mass.

Michael Flemmi

20 Marshall St., Braintree, Mass.

PERSONAL AND STATISTICAL PARTICULARS

Male White / Married

Maureen Morris

44

Boston Massachusetts

John Flemmi

Italy

Mary L. Misserville

Lawrence Mass.

Elmer H. Pearson

October 16, 1979

October 19, 79

I, the undersigned, hereby certify that I am the Registrar of Vital Records and Statistics, that as such I have custody of the records of birth, marriage and death required by law to be kept in my office, and I do hereby certify that the above is a true copy from said records. WITNESS my hand and the SEAL OF THE DEPARTMENT OF PUBLIC HEALTH at Boston on the date inscribed hereon.

September 28, 1993

EXHIBIT
690

IT IS ILLEGAL TO ALTER OR REPRODUCE THIS DOCUMENT IN ANY MANNER

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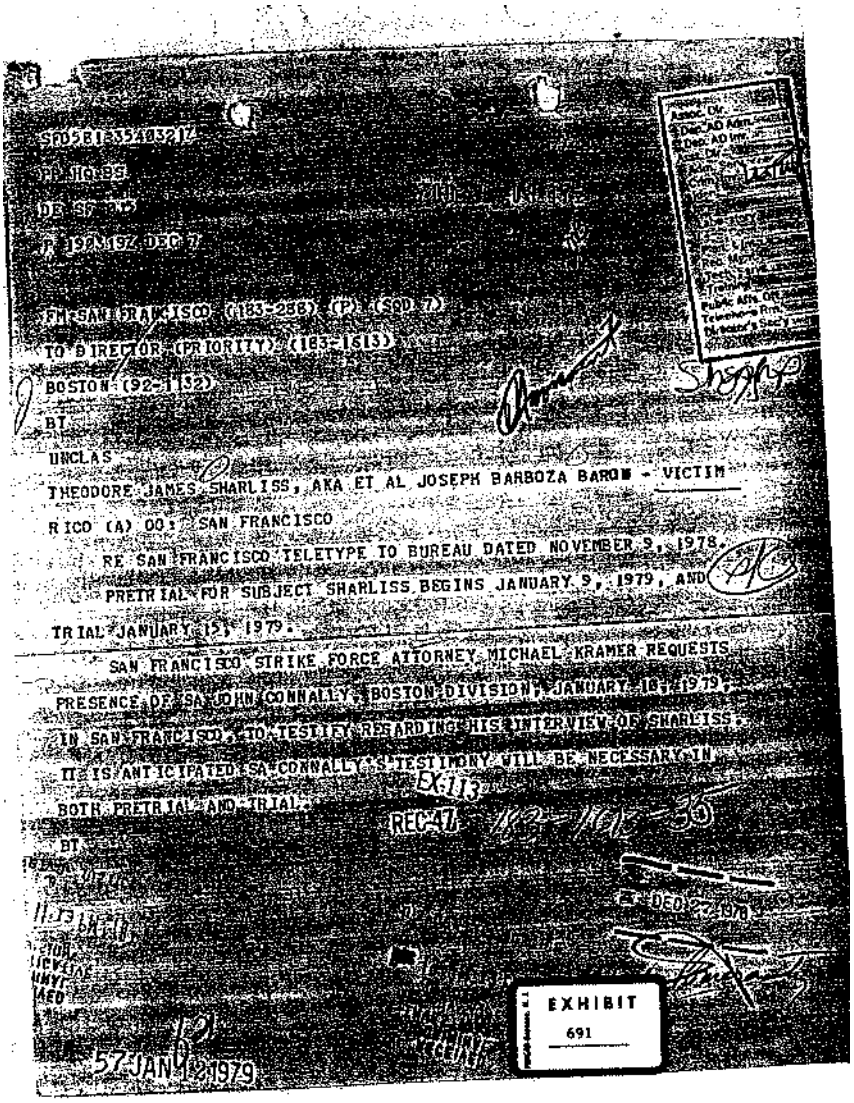

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P 192[illegible]1 9Z DEC 7

FM SAN FRANCISCO (183-288) (P) (SQD 7)

TO DIRECTOR (PRIORITY) (183-1613)

BOSTON (92-1132)

BT

UNCLAS

THEODORE JAMES SHARLISS, AKA ET AL JOSEPH BARBOZA BARON - VICTIM

RICO (A) OO: SAN FRANCISCO

RE SAN FRANCISCO TELETYPE TO BUREAU DATED NOVEMBER 9, 1978.

PRETRIAL FOR SUBJECT SHARLISS BEGINS JANUARY 9, 1979, AND

TRIAL JANUARY 15, 1979.

SAN FRANCISCO STRIKE FORCE ATTORNEY MICHAEL KRAMER REQUESTS

PRESENCE OF SA JOHN CONNALLY, BOSTON DIVISION, JANUARY 18, 1979,

IN SAN FRANCISCO, TO TESTIFY REGARDING HIS INTERVIEW OF SHARLISS.

IT IS ANTICIPATED SA CONNALLY'S TESTIMONY WILL BE NECESSARY IN

BOTH PRETRIAL AND TRIAL.

BT

EX-113

REC-47 183-1613-35

DEC 27 1978

EXHIBIT

691

57 JAN 12 1979

FD-36 (Rev. 5-22-78)

FBI

| TRANSMIT VIA: | PRECEDENCE: | CLASSIFICATION: |
|---|---|---|
| ☐ Teletype | ☐ Immediate | ☐ TOP SECRET |
| ☐ Facsimile | ☐ Priority | ☐ SECRET |
| ☒ Airtel | ☐ Routine | ☐ CONFIDENTIAL |
| | | ☐ UNCLAS E F T O |
| | | ☐ UNCLAS |

Date 12/20/79

TO: DIRECTOR, FBI (183-1613)

FROM: SAC, SAN FRANCISCO (183-288) (P) (Sqd 7)

SUBJECT: THEODORE JAMES SHARLISS, aka;
ET AL;
JOSEPH BARBOZA BARON -
VICTIM
RICO (A)

OO: SF

Re Los Angeles telcall of SA JACK BARON to San Francisco Supv. JOHN R. PANKONIN, 11/28/79.

Enclosed for Los Angeles is one photograph of SAMUEL SAVINO GRANITO.

For information of Los Angeles, San Francisco is not aware of how much information is contained in Los Angeles file [redacted] regarding captioned case and, therefore, the following summary is being provided:

On 2/11/76, JOSEPH BARBOZA BARON was murdered in San Francisco in a gangland style execution. As background, BARBOZA, a known organized crime hitman, testified in 1968 as a Government witness in a Federal case entitled, "U. S. v. RAYMOND PATRIARCA; ET AL, U. S. District Court of Massachusetts." BARBOZA's testimony was instrumental in the conviction of PATRIARCA, the head of the New England Crime Family and other criminal figures from the Boston area. [redacted]

183-1613-52

1 Boston (183-476 Enc.)
2-Bureau
2-Los Angeles [redacted] (Enc. 1)
(ATTN: SA JACK BARON)
2-San Francisco
BJG:kah
(6)

6 DEC 28 1979

EXHIBIT 692

60 JAN 16 1980

Approved: Transmitted (Number) Per

SF 183-288
BJG/bas

[redacted] H

On 2/11/76, BARBOZA was killed outside the residence of his friend THEODORE JAMES SHARLISS, in San Francisco. At 3:40 p.m., BARBOZA departed the SHARLISS residence, walked to his vehicle, and while he was attempting to unlock the vehicle, a white 1972 Ford van slowly approached. As the van reached BARBOZA, the side door of the van was opened and gunfire was initiated. BARBOZA was shot several times and was dead at the scene.

As a result of BARBOZA's testimony in 1968, and also his testimony before the Senate Select Committee on Crime in the early 1970's, it was well-known and accepted that a contract to murder BARBOZA was in existence, eminating from the New England Crime Family. In the initial stages of the investigation, SHARLISS was a prime suspect in the conspiracy to murder BARBOZA. In subsequent interviews with SHARLISS, he finally admitted that he had been contacted by JOSEPH RUSSO, a member of the New England Crime Family, who inquired as to BARBOZA's location and activities in San Francisco. SHARLISS further admitted that he "gave up" BARBOZA and was giving RUSSO almost daily information as to BARBOZA's activities. Subpoenaed [redacted] D

[redacted] SHARLISS further admitted that sometime in October, 1975, RUSSO traveled to San Francisco and met with SHARLISS. At this meeting, RUSSO offered the contract to SHARLISS for $25,000 which SHARLISS initially accepted and then turned down.

Finally, in January, 1979, SHARLISS was charged, resulting in his pleading guilty to violation of Title 18, U.S. Code, Section 241, Civil Rights - Murder and Conspiracy. On February 27, 1979, SHARLISS was sentenced under a plea agreement of complete cooperation and testimony, to five years custody of the Attorney General. [redacted] H

During the last interview of SHARLISS on June 28, 1979, SHARLISS was cooperative and continued to express his willingness to testify against RUSSO.

SF 183-288
BJG:kah

RUSSO is described as follows:

| | |
|---|---|
| Name | JOSEPH ANTHONY RUSSO |
| Sex | Male |
| Race | White |
| DOB | 5/5/31 |
| POB | East Boston, Massachusetts |
| Height | 6 feet |
| Weight | 190 |
| Hair | White/gray |
| Eyes | Brown (early arrest records indicate eyes being hazel) |
| Marital Status | Single |
| FBI Number | 677 979 A |
| Social Security # | [redacted] |

0-1

In referenced tel call, SA BARON advised that on 11/28/79 a highly placed Los Angeles source had stated that a Boston LCN figure identified as SAM (LNU), approximately 70 years old, came to Los Angeles and made contact with known Los Angeles LCN figures. [redacted] B [redacted] Los Angeles source further identified SAM (LNU) as a powerful Boston LCN figure who hangs around HARRY (LNU), who runs gambling junkets to Las Vegas from the Ramada Inn in East Boston.

On 11/28/79, through telephonic contact, Boston Supervisor JOHN MORRIS advised that the above-described HARRY (LNU) is, in all likelihood, HARRY KHIAM GAGOURAS, who does, in fact, run gambling junkets to Las Vegas from the Ramada Inn in Boston. Supervisor MORRIS further advised that SAM (LNU), in all likelihood, is identical to SAM SAVINO GRANITO, a known Boston LCN figure, DOB 6/9/07. A review of Boston files determined that in 9/71 B [redacted] advised that SAMMY GRANITO had proposed RUSSO for LCN membership. According to [redacted] RUSSO was "made" in the LCN in approximately 7/71.

It appears from the information provided by the Los Angeles source that SAM (LNU) is probably SAM GRANITO and because RUSSO is a subject of San Francisco's captioned case, it would be logical for GRANITO to make inquiries on RUSSO's behalf. GRANITO is described as follows:



BEST COPY

SF 183-288
BJG:kah

| | |
|---|---|
| Name | SAMUEL SAVINO GRANITO |
| DOB | 6/9/07 |
| POB | Brooklyn, New York |
| FBI # | 875529 |
| Height | 5'10" |
| Weight | 170 lbs. |
| Hair | Dark |
| Eyes | Hazel |

(The above is an old description.)

Los Angeles source further advised that RUSSO may be coming to Los Angeles in the near future for some unknown reason.

LEADS:

LOS ANGELES

AT LOS ANGELES, CALIFORNIA: Will recontact source and display enclosed photo to determine if GRANITO is positively identical to SAM (LNU) referred to by source.

2. Will advise Los Angeles source to [redacted] b6

3. Will advise Los Angeles source to [redacted]

4. Will have Los Angeles source [redacted]

5. Will advise San Francisco immediately of the results of these leads and of any additional information which may surface from conversations between the Los Angeles source and SAM (LNU).

Boston Herald
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Monday, December 11, 2000

NEWS

# Whitey gang victims may be buried in Canada; Woman says agent knew about dad's murder

JONATHAN WELLS, JACK MEYERS and MAGGIE MULVIHILL

The daughter of a South Boston man listed as missing for the past 20 years believes her father was murdered by a criminal associate of James J. "Whitey" Bulger and Stephen "The Rifleman" Flemmi and buried in what may be a Mob graveyard in Nova Scotia.

And she also believes former FBI agent John J. Connolly Jr., who handled Bulger and Flemmi as top level FBI informants, knew about her father's execution, but has covered it up for two decades.

Elizabeth Conrad Parent, 43, the daughter of South Boston bartender Kenneth R. "Bobby" Conrad, said in a series of recent interviews that she discussed her father's disappearance with Connolly in 1981 and that the FBI agent told her then that he had been murdered.

In a later conversation, Parent said Connolly disclosed that "a lot of bodies" are buried along with her father in Nova Scotia.

According to Parent, Connolly said her father was stabbed to death in Nova Scotia by a Boston gangster named Louis R. Litif and buried on Litif's property in the Canadian province.

Parent, recalling her conversation with Connolly, said when she became upset and demanded to know how the FBI agent knew about her father's death, Connolly said, "I saw it."

What exactly Connolly meant by that alleged statement is unclear, even to Parent, but insurance records from the early 1980s obtained by the Herald buttress Parent's assertion that Connolly had information about her father's death.

Moreover, the Herald has confirmed that Litif did in fact own property in rural Deerfield, Nova Scotia, at the time of Conrad's disappearance.

The Conrad case may become yet another chapter in the chilling

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story of Bulger and Flemmi's approximately 30-year partnership with the FBI.

At the time of Conrad's disappearance Connolly was the FBI's handler of Bulger and Flemmi, who were both top echelon criminal informants for the bureau.

In December 1999 and again in October of this year, Connolly was indicted by a federal grand jury for shielding Bulger and Flemmi from prosecution and for allegedly giving them the names of one witness and two confidential informants who, the government asserts, were later murdered by the Bulger gang.

Connolly's second indictment came as it became clearer that Bulger and Flemmi had gone on a murderous rampage while under the watchful eye of the FBI. Since January, investigators have unearthed the remains of six alleged murder victims of the Bulger gang in makeshift graves in Dorchester and Quincy.

Bulger, who has been a fugitive since 1995, has been charged with killing 19 people. Flemmi, who is in prison awaiting trial, is accused of murdering 10.

Another Mob burial ground?

According to Parent, she first learned of her father's death from Connolly while filing a missing-person report at the C-11 police station in Dorchester on July 29, 1981. When she 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 and once again told the FBI agent that she wanted to recover her father's body from Nova Scotia.

"You will get his remains someday," Connolly said, according to Parent. "You don't want them digging up that land, because your father is not the only body there. They're going to find a lot of bodies up there." Connolly did not elaborate, Parent said.

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When he disappeared, Conrad, then 46, had recently witnessed the murder of a South Boston man named James Matera. Matera was shot to death in the basement of Hap's Lounge in South Boston Aug. 30, 1979.

Conrad, a bartender at Hap's, was working at the bar on the day of the killing and saw Matera go downstairs with Litif just before the shooting.

According to his family, Conrad, a potential witness, left Boston for Las Vegas shortly after Matera's murder and has been missing ever since. In April 1980, Litif was found shot to death in Boston, his body wrapped in green trash bags and stuffed in the trunk of his wife's car.

Officially, Litif's murder remains unsolved, but a recent federal indictment includes evidence suggesting "Bulger and others" were involved.

Records: Connolly knew

Documents obtained by the Herald show that Connolly apparently knew back in the early 1980s that Bobby Conrad was not missing, but dead.

Two letters written by a Prudential insurance agent in 1982 state that it was Connolly who was going to confirm Conrad's death after his widow, Teresa (Conrad) Cote, sought to cash in on her husband's $5,000 life insurance policy.

In one of the two letters to Cote, then-Prudential agent Salvatore F. Reale wrote: "All I need now is a letter from Mr. Connolly the agent who was in charge of the investigation and I can process the death claim."

In a second letter, Reale stated: "I do not have the letter from Mr. Connolly the FBI agent."

Reale, now retired, confirmed he had written those letters, which appear under Prudential's letterhead, but claimed to have no memory of the Conrad insurance policy or any dealings he may have had with Connolly.

Other records confirm that Prudential was eventually satisfied that Conrad was dead, even though no body was ever recovered and no death certificate issued.

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One person, who requested anonymity, said Litif traveled to the Yarmouth area frequently during the 1970s and often brought other people with him when he stayed at his house in Deerfield.

Another source said Litif was popular even though he made no effort to conceal the fact that his business was organized crime.

One source who was interviewed about Litif, Connolly and the possible murder of Conrad, sent a note to a Herald reporter a few days later.

"Your visit here has left me in a constant state of turmoil and more emotional upheaval than you can possibly imagine," the source wrote. "I realize you are only doing your job but answers to your questions don't stop with just one person, many more get drawn in whether they want to be or not."

Conrad "wanted out"

According to Parent, Hap's Lounge, where her father worked, served as a base of operation in the 1970s for Bulger, Flemmi and some of their criminal associates.

Although she often visited her father when he was working at the bar, Parent said he was extremely protective of her and went to great lengths to prevent her from witnessing the illegal activities that took place there.

Parent believes her father was, for a time, involved in the Bulger gang's bookmaking operation. But she said he told her shortly before he disappeared that he was trying to break away from the organized crime group.

"He wanted out," Parent says. "He was afraid of these guys (the Bulger gang) as much as he was afraid of the police. He was afraid to move one way or another. He was damned if he did, damned if he didn't."

According to Parent, the last time she saw her father was on her wedding day, April 28, 1979, just before she returned to Florida with her new husband.

Then, after Matera was murdered in August of that year, Parent said her father called her in Florida. He said he had just come out of a police station in Boston and he sounded agitated.

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"He told me I would never see him again," Parent recalled. "He said he loved me . . . and the phone went dead."

Parent and other family members believe Conrad was taken out of state, to Las Vegas, by Litif and others associated with Bulger and Flemmi to prevent him from talking to police about the Matera murder.

That belief is bolstered by a postcard, which the family still keeps, that Conrad sent to a friend in Boston from the Circus, Circus hotel and casino in Las Vegas.

What happened to Conrad next is hard to determine. Family members said they heard "on the street" in South Boston that when authorities in Boston learned Conrad was in Las Vegas, Litif and others found out and moved Conrad out of the country, to Nova Scotia.

Parent said she has grown increasingly angry in the years since her father disappeared.

She said she has sought answers about her father's disappearance over the years from Massachusetts politicians, including U.S. Sens. Edward M. Kennedy and John F. Kerry, and from an array of media outlets, but has been rebuffed each time.

Now, much of her bitterness is directed at Connolly and the FBI.

"I fell hook, line and sinker for John Connolly," Parent said. "What I reallywant to know from Mr. Connolly is, can I talk now? Can I talk about it now?"

Peter Gelzinis contributed to this report.

--- INDEX REFERENCES ---

NAMED PERSON: CONNOLLY, JOHN; PARENT, ELIZABETH CONRAD; LITIF, LOUIS R; MATERA, JAMES; MINER, TRACY

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

NEWS SUBJECT: Crime and Courts; Political and General News; Crime; English language content (GCRIM GCAT CRM ENGL)

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MAR 28 1980

# Jury may probe hit man's death

A federal grand jury reportedly will investigate next week the 1976 gangland-style slaying of Joseph "The Baron" Barboza, an underworld hit man who helped send a New England Mafia boss to prison in 1968.

Barboza was slain on a San Francisco street several months after he was released from a California prison, where he was served time for killing a 26-year-old Santa Rosa man, Clay Wilson, in 1970.

Investigators have stated Barboza was the object of a $250,000 underworld contract for testifying against New England Mafia boss Raymond Patriarca and several other high-ranking Mafia figures.

The Boston Globe and the San Francisco Chronicle reported the federal grand jury will hear testimony from seven Massachussetts men with organized crime connections.

The newspapers reported Gennaro J. Angiulo, 61, reputed organized crime boss in Boston, is one of those subpoenaed to appear before the federal grand jury in San Francisco.

The Globe reported the investigation of Barboza's killing was reopened because of new information developed by the FBI and Justice Department agents in Boston and San Francisco.

Shortly before he was shot in the Sunset District, Barboza visited J. Sharliss, a man he had known in prison during the 1950s.

Sharliss was accused of participating in a conspiracy that ended with Barboza's murder.

Sharliss pleaded guilty last year, was sentenced to five years in prison and agreed to testify against Barboza's killers.

According to the Globe, others expected to testify are:

Ilario A. Zannino, 60, reputedly the second most powerful man behind Angiulo; Joseph A. Russo, 49, an alleged Boston enforcer; Samuel S. Granito, 71, a convicted robber who allegedly operated east Boston rackets; Francesco Scibelli, 68, a gambling figure in western Massachussetts, and two other men not fully identified.

After testifying against Patriarca in 1968, Barboza was given a new identity, Joseph Bentley, and protected by the government.

He was sent to live in Santa Rosa. Not long after his arrival here, he killed Wilson.

During his trial in Santa Rosa, he pleaded guilty of second-degree murder and was sent to state prison in 1971.

Barboza's slaying threatened the success of the government's witness protection system, thus the Justice Department reportedly has been trying to bring Barboza's killers to justice since.

EXHIBIT
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In March 1983, Parent, the sole beneficiary of her father's life insurance policy, was paid $13,414.83 in two checks sent to her by Prudential, records show.

Meanwhile, public records in Canada also lend credibility to Parent's account.

Documents on file at the registry of deeds in Falmouth, Nova Scotia, confirm that the Litif family has owned property in the Canadian province for nearly 30 years.

In 1971, Louis Litif purchased a small house on a one-acre lot in the village of Deerfield, which is about a 10-minute drive from Falmouth, near the southern tip of Nova Scotia.

One month before Litif was murdered in April 1980, he transferred part ownership of the property to his wife, Anna, the records show.

Litif - who had been charged with the murder of Matera and was out on bail when he was killed himself - was reportedly involved in bookmaking, loansharking and drug dealing for the South Boston organization headed by Bulger and Flemmi. Sources said Litif played handball with Connolly and also may have served as one of the FBI agent's criminal informants.

One of Connolly's lawyers, Tracy Miner, claimed the investigation into Conrad's disappearance was handled exclusively by the Boston Police Department.

"John Connolly has no knowledge of any facts regarding Conrad's disappearance and he was not asked to investigate it," Miner said. When she was reminded documents indicate Connolly did know something, Miner said people may be confusing Connolly with a Boston police officer with the same last name.

"The matter (Conrad's disappearance) was handled totally by the Boston Police Department," Miner said.

Neither Anna Litif nor her daughter, Luanne Litif, could be reached for comment.

As in Massachusetts, people in Nova Scotia are reluctant to discuss openly what they know about Louis Litif or the fate of Bobby Conrad.

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7/22/98 Boston Globe A1
1998 WL 9144510

[redacted]
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METRO/REGION

Cases disappear as FBI looks away
Shelly Murphy, Globe Staff

WED

This Spotlight Team 5-part series was prepared by editor Gerard O'Neill and reporters Dick Lehr, Michell Zuckoff, and Shelley Murphy. Today's installment was written by Murphy. PART 4 WHITEY & THE FBI: PRICE OF PROTECTION

At the dawn of his deal with the FBI, James "Whitey" Bulger was an angry leg breaker at a Dedham restaurant looking to collect an unpaid loan. Leaning across a table, he gave the owner a choice: Pay, or have his ears cut off and stuffed in his mouth

Restaurateur Francis X. Green told his story to the FBI, expecting protection and prosecution. But Bulger had an ace in the hole. He worked for the FBI.

Looking back, the 1976 incident at the Back Side Restaurant was a turning point. An extortion case, built on a credible, cooperative witness, might have stopped Bulger and his partner, Stephen "The Rifleman" Flemmi, from launching a 15-year crime spree.

Instead, the FBI did nothing, sending a powerful message to two of the region's most ruthless organized crime figures: As long as you're with us, we won't bother you.

As a result, Bulger and Flemmi became sanctioned career criminals while spying on the underworld for the FBI. Despite solid evidence indicating Bulger and Flemmi were involved in murders, shakedowns, and drug dealing, the FBI looked the other way throughout the 1970s and 1980s.

It made no difference who the victims were, fellow wise guys or innocent people. And it didn't matter if the victims were willing to cooperate with the FBI or were scared silent. In some cases, the bureau even helped the gangsters by leaking information to them about ongoing investigations.

Recent court testimony shows the deflected cases ranged from the momentous to the mundane, but the consistent thread running through most of them is the involvement of Bulger's handler, former FBI agent John Connolly of South Boston.

Some potential cases that went nowhere:

- In 1982, a wise guy turned FBI informant was gunned down after



Connolly, according to testimony, told Bulger and Flemmi that the man had implicated them in a string of gangland slayings and the murder of an Oklahoma businessman.

- In 1984, a Boston police detective told Connolly that Bulger and Flemmi were trying to seize a liquor store owned by the detective's relatives with a "can't refuse" offer. But Connolly did not report the incident to superiors and, within days, Bulger sent word to the victims that he knew they had complained to the FBI and warned them to "back off."

- In the late 1980s, FBI agents John Newton and Roderick Kennedy failed to document or follow up on a realtor's claim that a gun-toting Bulger threatened to stuff him in a body bag if the realtor didn't pay him $50,000.

- In 1988, another FBI agent, supervisor John Morris, who had pocketed $7,000 in payoffs from Bulger, warned Bulger and Flemmi that the FBI had tapped the telephone of a Roxbury bookmaker who worked for them. While indictments resulted from the wiretap, including some Boston policemen for taking payoffs, Bulger and Flemmi went untouched.

Although there is evidence that Connolly protected Bulger and Flemmi, he was not alone. Supervisors and fellow agents often were swayed by his claim there was insufficient evidence to target the pair or that they were too valuable to the FBI.

For example, FBI agent James Blackburn testified he never pursued allegations that Bulger was shaking down a South Boston drug dealer in 1988 after Connolly told him it wasn't true. And agent James J. Lavin III testified that in 1987 he ignored evidence that city workers erected guardrails on private property outside the South Boston liquor store controlled by Bulger after Connolly reminded him that Bulger was an indispensable informant.

In the end, Bulger and Flemmi were always suspects, but never defendants; always informants, never targets.

Last April, Connolly refused to testify at federal court hearings exploring the FBI's controversial relationship with Bulger and Flemmi, citing his Fifth Amendment right not to incriminate himself. In interviews, he has accused other agents of lying when they testified critically about his handling of Bulger and Flemmi.

"I'm not a rogue agent," Connolly said recently. "Anything I ever did, I did lawfully. I have no trouble with what I did. I did it for the FBI, all the way to D.C. , constant oversight."

But the record now shows that the deal -- protection for information -- left the bureau shortchanged, co-opted, and compromised.

In a telling aside during recent testimony, one of Connolly's closest associates in the bureau, former agent Nicholas Gianturco, talked about entertaining Bulger and Flemmi at his Peabody home. "I

felt comfortable having them to the house," he said. "It was not an adversarial relationship." ALL TOGETHER IN ONE ROOM

It was an improbable convergence of characters that put two of the region's top prosecutors under the same roof in Dedham with three gangsters while the hoodlums were extorting the owner of the establishment across the room.

In late 1976, then-Norfolk County District Attorney William Delahunt had just ordered dinner at the Back Side Restaurant and was awaiting the arrival of Martin Boudreau, a law school classmate and federal prosecutor, when he looked up to see another old acquaintance approaching his table.

It was Johnny Martorano, a well-known gangster who had attended grammar school with Delahunt in Quincy. Martorano and two other men had just entered the restaurant. While his companions moved to a cocktail table near the bar, Martorano chatted with Delahunt about the different paths they had taken since their school days, joking that there was more honor in his world than among bankers and lawyers. Flemmi joined the conversation briefly.

After Delahunt went back to his meal and was joined by Boudreau, the number-two prosecutor in the Federal Organized Crime Strike Force, the restaurant owner was summoned to sit with Bulger, Flemmi, and Martorano to talk about a serious arrearage of $175,000. According to later investigative reports, it was Bulger who delivered the pay-or-die ultimatum.

A few weeks later, Delahunt learned what really had brought his old schoolmate to Dedham. Delahunt said Edward Harrington, former chief of the New England Organized Crime Strike Force, called to tell him that Bulger and his friends had threatened Green, the restaurant owner, over an unpaid loan. And he said Green feared Martorano had connections to Delahunt after seeing them banter that night.

After reassuring Harrington he had no ties to Martorano, Delahunt said prosecutors assigned to his office interviewed Green and later turned the case file over to the FBI. Green, who declined to be interviewed by the Globe, is quoted in investigative reports as saying Bulger and Flemmi threatened to kill him if he didn't repay a loan from a Boston credit union.

"It's our money," Bulger told Green, threatening to "positively kill him" and mutilate his face, according to an FBI report. Ears off, eyes out.

FBI agents Thomas Daly and Peter Kennedy interviewed Green on Oct. 13, 1977, and noted in their report that Flemmi told Green that nobody would get hurt if he made arrangements with the woman at the credit union who handled the loan. They wanted a $25,000 installment immediately.

In a recent interview with the Globe, Rita Tobias of Belmont confirmed that she loaned Green money through the finance company -- but said the amount was closer to $20,000. She insisted she doesn't

know Bulger or Flemmi and hadn't gone to them for help.

The following year, Green became a star government witness, but not against Bulger or his friends. Federal prosecutors used Green's testimony in an unrelated public corruption case to win a tax-evasion and bribery conviction against a Boston official. Bulger and Flemmi went unpunished and unchallenged.

Months after turning the Green case over to the FBI, Delahunt, now a Massachusetts congressman, said he asked Jeremiah T. O'Sullivan, chief of the New England Organized Crime Strike Force, what became of the investigation and was told: "It just didn't work out." O'Sullivan's lawyer, Hugh Scott, declined comment on the incident, saying it would be inappropriate because of the ongoing federal hearings.

Harrington, now a federal judge, was working as a lawyer for a private law firm in Boston when Green reported his threatening encounter with Bulger and Flemmi in 1976. The following year, Harrington became US Attorney for Massachusetts, a job he held when his public corruption squad used Green to make a case against the Boston official.

Today, when asked about his role in the Green case and why it never led to charges against Bulger or Flemmi, Harrington said, "In view of the fact that I am a federal judge and wish not to be involved in a proceeding before another federal judge, I decline to comment on the matter." BULGER IMPLICATED, MOBSTER KILLED

Brian Halloran was a dead man. And the FBI knew it.

Just a few days before Halloran was gunned down along the Boston waterfront, an FBI official whispered to then-US Attorney William F. Weld, "I would not want to be standing next to this guy."

In fact, the FBI's decision to deny Halloran entry into its witness protection program may have cost Halloran his life.

Halloran was awaiting trial for the murder of a drug dealer in January 1982 when he walked into the FBI's Boston office and announced he wanted to cooperate against Bulger and Flemmi because he feared they were trying to kill him.

He offered to "go all the way" against the two, but wanted immunity from prosecution and protection for himself and his family, according to the FBI report. A member of the Winter Hill gang who had frequent dealings with Bulger and Flemmi, Halloran told a tale of murder and mayhem.

For openers, he described how he dropped off South Boston bookmaker Louis Litif at Triple O's tavern on April 12, 1980, for an after-hours meeting with Bulger. Moments later, Halloran said, he watched as Bulger and an associate lugged Litif's plastic-wrapped body out the back door of the South Boston bar and dumped it into the trunk of Litif's new Lincoln. The car and the body were later found in the South End.

Then Halloran moved on to another bloody murder scene, this one in Oklahoma. He claimed he could help solve the shooting death of millionaire Roger Wheeler, the Telex Corp. chairman who was shot to death on May 27, 1981, outside an exclusive Tulsa country club.

Wheeler had bought World Jai Alai (WJA) three years earlier and suspected Somerville's Winter Hill gang of skimming profits from the company's operation in Connecticut.

Halloran claimed that his friend, John Callahan, former president of WJA, summoned him to a meeting with Bulger and Flemmi in January 1981 at Callahan's Boston waterfront apartment.

Halloran said Callahan asked him to murder Wheeler, who suspected that employees who remained loyal to Callahan were doing the skimming. Later, Halloran said, Callahan told him he wasn't needed and the murder was carried out by Bulger, Flemmi, and John Martorano.

Despite the significance of Halloran's account, authorities in Oklahoma say the FBI in Boston never shared it with them.

Instead, FBI agent Morris said he passed along word to Connolly that Halloran was cooperating with another squad in the FBI against his two prized informants.

Morris testified that Connolly then told Bulger and Flemmi that Halloran had implicated them in Wheeler's murder, prompting Connolly to file an informant report from Bulger arguing that "there was no way that they would have been involved with Halloran in connection with anything, let alone murder."

Ultimately, the FBI, along with Strike Force Chief O'Sullivan, concluded that Halloran was unreliable and turned him away from an FBI safe house on Cape Cod.

Weeks later, on May 11, 1982, Halloran was gunned down as he left a bar on Northern Avenue in South Boston. Callahan, being sought for questioning as a potential witness in the Halloran and Wheeler slayings, was found murdered three months later in Miami.

In a recent interview, Connolly said he "absolutely never" told Bulger and Flemmi that Halloran had turned FBI informant against them before he was killed. Connolly said he filed reports before Halloran's death noting that Bulger claimed the Mafia was going to kill Halloran.

The fallout from the investigation spread within the FBI, as agents in Oklahoma City and Miami accused the Boston office of stonewalling about Wheeler and Halloran.

The distrust spilled over into the Boston office, as the agent assigned to the Wheeler case accused Connolly of "rifling" his file and leaking information to Bulger and Flemmi that would help them establish alibis. Connolly vehemently denies the charge.

At first, Connolly refused to call in Bulger and Flemmi to have them photographed so investigators in Oklahoma could show their pictures to potential witnesses. According to recent testimony by James Ring, who was then supervisor of the organized-crime squad, Connolly became "defensive" about the photo request, arguing that Bulger and Flemmi had proclaimed their innocence. Connolly relented only after Ring threatened to drop Bulger and Flemmi as informants.

Still, the FBI didn't force Bulger and Flemmi to take polygraph examinations after they refused. In contrast, Halloran was dropped as an informant when he refused to take the lie detector test.

"For a long time we thought, it's just pure incompetence," said Wheeler's son, David, who now believes the FBI has obstructed the investigation into his father's murder. "But I never dreamed it was as extensive as it is." WHITEY AND STEVIE GO SHOPPING

It was Christmas time 1983 and Whitey Bulger and Stevie Flemmi were out shopping. They were cruising around South Boston when they saw something they wanted: a newly renovated liquor store on the site of what had until recently been an abandoned gas station.

It meant nothing to Bulger and Flemmi that Stephen and Julie Rakes didn't want to sell Stippo's Liquor Mart on Old Colony Avenue.

During a menacing visit to the Rakes's South Boston home during the first week of the new year, Bulger and Flemmi handed Stephen Rakes a bag stuffed with $67,000 cash and announced they were buying the liquor store, according to testimony.

"We don't want to sell it," said Rakes, who was home with his two young daughters while his wife was working at the store.

Flemmi allegedly sat down at the kitchen table, pulled one of Rakes's blond-haired daughters onto his lap, and set a gun on the table in front of her. The curious toddler picked up the gun and playfully sucked on the handle, according to federal grand jury testimony revealed in court.

"It would be a shame not to see your children grow up," Bulger allegedly said.

A horrified Rakes called his wife at the store and told her to pack up all their belongings and come home.

Within days, then-Boston Police Detective Joseph Lundbohm said he went to Connolly on behalf of his niece, Julie Rakes, unaware that Bulger and Flemmi were informants and Connolly was their handler.

Connolly said he took no action to stop the hostile takeover by Bulger and Flemmi because the couple "did not want to get wired up and they did not want to be witnesses. How do you make a case like that?"

It was a chilling lesson for the Rakeses, who discovered a few days later that Bulger knew they had complained to the FBI.

"Whitey said to back off," Stephen Rakes told Lundbohm, who said he suspected Connolly tipped Bulger about their meeting. In a Globe interview, Connolly denied leaking the information.

Connolly said he couldn't recall whether he reported the incident to his supervisor, but federal prosecutors said a search of FBI files failed to uncover any paperwork on it. It appears Connolly made a unilateral decision to neither investigate the extortion nor pass it along to a supervisor.

The store was sold to Bulger's friend, Kevin Weeks -- at least on paper -- without a hitch and was renamed the South Boston Liquor Mart. It immediately became a new hangout for Bulger and Flemmi.

Soon, the FBI was patronizing Bulger's store. A 1990 raid of the Liquor Mart by the Drug Enforcement Administration, the Suffolk County Organized Crime Squad, and the IRS uncovered a receipt indicating the FBI bought liquor at discount prices to give away at its annual Christmas party months earlier.

The receipt indicated that the liquor was purchased by agent Dick Baker, the party organizer. And a separate piece of notebook paper indicated who the agent was: "Dick Baker (friend of John Connolly)." Connolly does not deny the FBI bought liquor at the store but says the piece of paper with his name on it was planted. NO FBI FOLLOWUP TO EXTORTION

Years after Louis Litif was allegedly murdered in Triple O's, Bulger and his friends summoned an unsuspecting businessman to a meeting in the Broadway tavern, according to court documents and recent testimony.

"Someone hired me to kill you," Bulger told South Boston realtor Raymond Slinger, after calling him to a meeting in an upstairs apartment in the late 1980s.

Bulger, accompanied by his friends Kevin Weeks and Kevin O'Neil, said he was willing to spare Slinger's life in exchange for cold cash. But, when Slinger had the audacity to arrive at a follow-up meeting with the trio packing a gun, he was beaten and kicked as an enraged Bulger ordered his friends to "go downstairs and get a body bag."

After Bulger's demand increased to $50,000, Slinger reported the extortion to the FBI. Agent John Newton testified that the FBI had "a great case" against Bulger because Slinger was willing to wear a wire and testify.

Still, the FBI took no action.

Days later, O'Neil told Slinger that he'd only have to pay $25,000, but "there wasn't going to be any FBI investigation," according to testimony in the federal court hearings.

Newton's supervisor, Bruce Ellavsky, testified that the FBI

dropped the case because the extortion stopped and Slinger no longer wanted to go forward.

Yet, Ellavsky couldn't explain why there were no FBI reports on the incident. There was no mystery about why Bulger and Flemmi never got caught up in an FBI investigation in the late 1980s of a Roxbury bookie who was paying them "rent" and dealing extensively with them. The pair were warned to stay away by agent John Morris because a wiretap was going into John Baharoian's office.

Morris, who had taken three bribes from Bulger, was concerned that the pair could give him up if they were caught and indicted.

But he also testified he was tired of the hold Bulger and Flemmi had on him and the relentless expansion of their criminal network. And he wanted no more blood on his hands. Leave Baharoian alone, the former organized-crime supervisor told them. "I don't want any more Hallorans."

Date July 2, 1980

RECEIVED
JUL 3 1980
SECRETARY'S OFFICE

RECEIVED
JUL 9 1980
ADVISORY BOARD OF PARDONS

MICHAEL JOSEPH CONNOLLY
Secretary of the Commonwealth
340 State House
Boston, Massachusetts 02133

Re: JOSEPH L. SALVATI
(PLEASE TYPE OR PRINT NAME OF PETITIONER)

In conformity with the provisions of General Laws, Chapter 127, Section 167, I hereby certify that I am acting for the person above named with the written consent of the applicant in connection with a petition for A commutation of sentence.

I further certify that none of the provisions of Section 166 of said Chapter has been violated and that I have not received, nor have I been promised, and I do not expect to receive nor to be promised, any money or other reward for so acting except fees for legal services in the amount of $2,500.00 dollars. Those services are to be rendered in preparation for hearings and in the conduct of hearings before the Parole Board or other duly constituted tribunals of the Commonwealth.

This statement is made under the penalties of perjury.

Victor J. Garo
SIGNATURE

PRINT OR TYPE YOUR NAME AND ADDRESS:
Victor J. Garo, Esquire
410 High Street, Suite 14
Medford, Massachusetts 02155

EXHIBIT
609

Insert one of the following: pardon, parole, respite or commutation of sentence.

UNITED STATES GOVERNMENT

# memorandum

DATE: 11/20/80

REPLY TO ATTN OF: SA John J. Cloherty, Jr.

SUBJECT: HENRY TAMELEO;
BEN DE CRISTOFORO;
JOSEPH SALVATI, aka
"Joe the Horse";
d/b/a Con-Puter,
Framingham Correctional Institution
Framingham, MA
IGB

TO: SAC, BOSTON (182A-new) (P)

On 11/18/80, the writer and SA Robert R. Turgiss attended a meeting in the office of Deputy Commissioner of Corrections Michael V. Fair, 100 Cambridge Street, Boston, Massachusetts. Linda Washburn, Director of Internal Affairs, Department of Corrections and Terry Holbrook, Superintendent, MCI Framingham were also in attendance at this meeting. The purpose was to discuss the activities of organized crime figures Henry Tameleo, Ben De Cristoforo and Joseph Silvati.

Holbrook became Superintendent of MCI Framingham on 5/5/80 and advised that there are two areas of concern at the Institution. The first is a company known as Con-Puter. By way of background, Holbrook advised that the Honeywell Corporation in the early 70's donated computers to the Massachusetts Correctional System and thereafter provided instruction and programming to inmates at MCI Walpole. These inmates subsequently became instructors; the idea being that those inmates who received this training would be in a position to obtain computer related employment on completing their jail term.

This program was ~~explained~~ EXTENDED to MCI Framingham using computer equipment by Honeywell. As inmates indicated that live work was necessary to keep computer skills polished, Con-Puter, a limited partnership, was formed at MCI Framingham, MA. This company contracts with private industry, as well as various state agencies to do program work. The monies derived from this venture are utilized to maintain the existing computer equipment, as well as to pay miscellaneous expenses, to include telephone and electric bills. Any monies left over after expenses are divided between the five instructor programmers. According to Holbrook, this company affords the five inmate programmers an opportunity to earn up to $15,000 per year.

2 - 182-new
1 - [redacted] F
JJC/dn
(3)

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

EXHIBIT
701

BS 182A-new

Recently, a second system using computer equipment manufactured by Digital Equipment Corporation was installed at MCI Framingham to complement the existing Honeywell System.

The Massachusetts Department of Corrections, to include Superintendent Holbrook, has no control over Con-Puter. The company is autonomous, having their own space within the institution. This space consists of two computer rooms, a conference room, and reception area. Within the space allocated, Con-Puter has direct line telephones with numbers as follows: [redacted]; [redacted]; [redacted]; [redacted]; and [redacted]. The telephone and electric bills are mailed to and paid by Con-Puter without any audit by Correction staff. The entire wiring and construction of the office space was handled by Framingham inmates. The chief programmer is Benny De Christoforo. The assistant programmers are Susan Saxe, Richie Quillan, George Mc Grath and Glen Lyman.

The second area of concern at MCI Framingham is the institution's canteen which is run by Joe the Horse who is assisted by Richie Costa.

According to sources of Holbrook, the canteen, with the assistance of Correction staff, is being used as a conduit for drugs into the institution. Holbrook noted that the canteen is another autonomous operation over which staff has no control. Holbrook added that at this point in time, he is unable to place trust in any member of the staff currently assigned at Framingham.

The runner between the canteen and Con-Puter's Office is Henry Tameleo.

Within the past two weeks, Framingham inmate Robert O'Brien was beaten by Silvati. O'Brien, serving life for first degree murder, is a former attorney and MDC police officer. O'Brien was hospitalized as a result of this incident. While hospitalized, O'Brien was interviewed by Washburn. O'Brien informed Washburn that Henry Tameleo runs the institution and speaks to Providence on a daily basis utilizing the telephones in the Con-Puter Office. Further, Silvati is running a gambling operation with the utilization of the computer. Further, O'Brien

BS 182A-new

did not inform Washburn as to how he learned that Tameleo is talking to Providence daily using Con-Puter's telephones. O'Brien did inform Washburn that John Pilecki, a correction officer at Framingham, is assisting Silvati in this gambling operation. Pilecki, according to O'Brien, is indebted to Silvati as a result of his heavy gambling.

Approximately one week ago, Framingham inmate and Con-Puter employee Elbie Johnson was involved in a fight with another inmate. As a result of this incident, Johnson was transferred to MCI Concord. During a search of Johnson's property, a computer printout was located. This printout contained current NFL individual and team statistics as well as projections through January, 1981.

[redacted] G. F D

In view of the above, it is suggested that a 182-A matter be opened and assigned to writer in an effort to substantiate O'Brien's allegation that Silvati is running a gambling operation using Con-Puter equipment and Tameleo is in daily contact with Ruggerio using Con-Puter telephone lines. Strike Force Chief O'Sullivan will be apprised of the information set forth hereinbefore in order that [redacted] D may be subpoenaed through the grand jury.



[redacted]

*The Commonwealth of Massachusetts*
*Advisory Board of Pardons*
*Leverett Saltonstall Building, Government Center*
*100 Cambridge Street, Boston 02202*

FINDING

RE: JOSEPH L. SALVATI

YOUR EXCELLENCY:

The Advisory Board of Pardons respectfully reports herewith in accordance with the provisions of Massachusetts General Laws, Chapter 127, Section 152.

The above named has petitioned Your Excellency for Commutation of a Life sentence which he is now serving for Accessory Before the Fact of Murder.

On 11-18-80, full consideration was given to the merits of said petition and at that time the Board denied a hearing. Although the Membership noted petitioner's good institutional record, the time served for this offense does not merit consideration at this time.

Accordingly, the Advisory Board of Pardons respectfully recommends to Your Excellency, that this petition for commutation consideration be denied.

The petitioner has received written notification of the Board's decision.

RESPECTFULLY SUBMITTED:

CHAIRMAN
MEMBER
MEMBER
MEMBER
MEMBER
MEMBER
MEMBER

EXHIBIT
702

FD-36 (Rev. 5-22-78)

FBI

TRANSMIT VIA:
- ☐ Teletype
- ☐ Facsimile
- ☒ Airtel

PRECEDENCE:
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION:
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

Date 11/28/80

TO: DIRECTOR, FBI (183A-1613)
ATTN: Laboratory
[redacted]

FROM: SAC, SAN FRANCISCO (183A-288) (P) (Sqd 7)

SUBJECT: THEODORE JAMES SHARLISS, aka;
ET AL;
JOSEPH BARBOZA RAPON - VICTIM
RICO

01201:87

OO: SF

Enclosed for the Bureau Laboratory is the following described item:

[redacted]

An information copy is being sent to Las Vegas due to pending investigation there.

For the information of the Bureau Laboratory, the enclosed document is the main piece of evidence in captioned murder case.

3 Bureau (Enc. 1)
(1-Bufile 183-1613)
(1) [redacted]
2-Boston (183-476)
1-Las Vegas (Info) (183-253)
2-San Francisco
BJG:kah
(8)

183A-1613

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____

EXHIBIT
703

SF 183A-288
BJG:kah

As background, on 2/11/76 Baron, a government witness, was murdered in San Francisco in a gangland style execution. Baron, a known Organized Crime hitman, testified in 1968 as a government witness against numerous LCN members of the New England Crime Family. Baron's testimony was instrumental in the conviction of Raymond Patriarca, who is the head of this Family. Baron also testified before the Senate Select Committee on Crime in the early 1970s, and as a result of these appearances, it was well known that a murder contract was out on Baron. [redacted] H

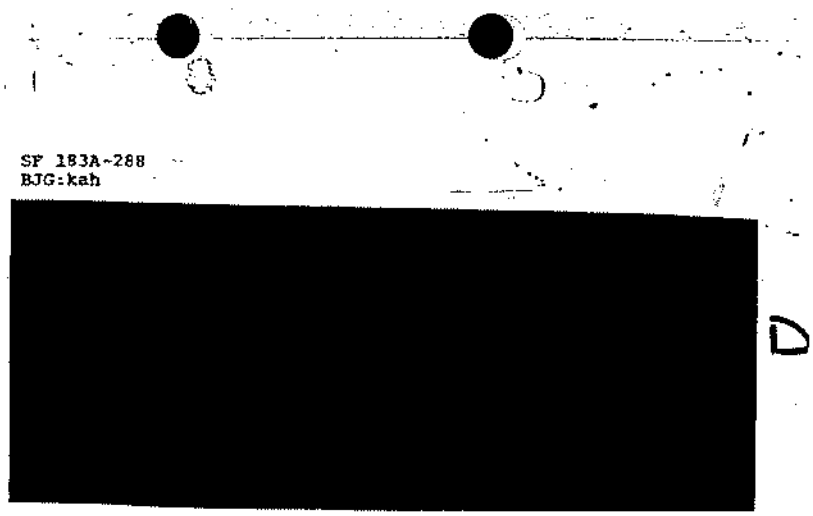
In January, 1979, Theodore Sharliss was charged with violation of Title 18, USC, Section 241, Civil Rights - Murder and Conspiracy. Sharliss pled guilty and was sentenced to five years custody of the Attorney General under a plea agreement of complete cooperation and testimony against others who were responsible for the murder of Baron.

Through interviews with Sharliss, Sharliss stated that in October or November, 1975, in San Francisco, he met with Joseph A. Russo, a made member of the Patriarca Family, and at this meeting Russo offered a murder contract on Baron to Sharliss for $25,000. This meeting took place at the restaurant of the Downtown Hilton Hotel in San Francisco. While investigation points to Russo as a conspirator in the murder, insufficient evidence negated a possible indictment.

On 11/25/80, the enclosed [redacted] was located, D 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. The Strike Force Chief, along with the Boston and San Francisco Divisions, agree that this [redacted] is the most important piece of evidence in D this case.

[redacted]


SF 183A-288
BJG:kah

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Tuesday, July 21, 1998

METRO/REGION

The official Bulger FBI files: some tall tales
This Spotlight Team 5-part series was prepared by editor Gerard O'Neill and reporters Dick Lehr, Michell Zuckoff, and Shelley Murphy. Today's installment was written by Lehr.

TUE

PART 3 WHITEY & THE FBI: OVERRATED ASSET

Day was night for gangster James J. "Whitey" Bulger, which meant he often met with his FBI contact John Connolly while most of Boston slept. Sometimes Connolly himself was asleep, dozing off on the couch inside his home in South Boston while watching the late news on TV. Connolly would leave the door unlocked, and Bulger would let himself in.

Over nearly two decades, there were more than a hundred of these nighttime sessions. Besides Connolly's house, they'd meet at other agents' homes. Or they'd meet in the middle of the Old Harbor housing project in South Boston, where both men had been boys. Or they'd meet at Castle Island. Or Savin Hill Beach.

Following most encounters, Connolly would write up an informant report about the surreptitious chat. Eventually the FBI files in Boston swelled with the internal reports: the underworld according to Bulger, as authored by Connolly.

The once-secret Bulger files now show that Connolly had a way with words. Though these were the files relied upon by the FBI brass to assess Bulger's value, Connolly's memos often read more like the work of a publicist than that of an impartial FBI agent chronicling Bulger's activities.

Time and again, Bulger's contributions were embellished, in cases that included solving bank robberies, saving agents' lives, and even in bringing down Boston Mafia boss Gennaro Angiulo.

There was, for example, the report Connolly wrote in connection with the famous bank robbery of Depositors Trust in Medford over Memorial Day weekend in 1980.

Connolly and Bulger discussed the robbery afterward; a few months

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later Connolly credited Bulger with being the "first source" to provide the names of the robbers.

But that wasn't so.

The names of suspects were flying around the morning the bank job was discovered. "I'll be honest with you, I didn't get it from Whitey Bulger," former Medford police chief Jake Keating recently said about early leads. The morning after, said Keating and others, callers to police identified the suspects. The case against them took a few years to put together, but their identities, Keating said, were "common knowledge."

To be sure, no one doubts that Bulger, once he signed on with Connolly in 1975, served as a proactive informant; along with sidekick Stephen "The Rifleman" Flemmi, he offered the FBI a stream of inside information about both the Mafia and many of their own gangland associates. Connolly, meanwhile, scoffs at anyone who challenges his handling of Bulger and Flemmi.

But the claim Connolly made in the Medford case is not an isolated instance of hype. In Connolly's hands, Bulger seemed always to turn to gold. And padding Bulger's worth proved an effective parry to those inside and outside of the FBI who began questioning the relationship.

Indeed, the starring role for Bulger that Connolly cultivated held center stage throughout the 1980s. It was endorsed by the FBI chain of command and received a crucial boost from Connolly's immediate supervisor, John Morris. Morris regularly seconded Connolly's exaggerated praise for Bulger.

But a number of key claims Connolly made early on -- assertions that helped cement an official view within the bureau of Bulger's premium worth as a snitch -- crumble when measured against the testimony of other FBI agents and other government records.

Then last spring Morris disclosed his own motivation for wanting to maintain smooth sailing with Bulger. Morris confessed he'd taken payoffs from Bulger and Flemmi and leaked information to help them outmaneuver other investigators. But in addition to wanting to keep his own corruption hidden, Morris testified he'd also become intimidated by the brash Connolly, who regularly flexed his closeness to both Bulger brothers -- the gang leader, Whitey, and Bill, then the state Senate president.

"He was much more influential than what you would normally think an agent to be," Morris testified. "He was a very connected person

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inside the bureau, outside the bureau, and I did not want to place myself in a position where I was in any strong opposition to him."
STATE POLICE SUSPECT A LEAK

The '80s began in crisis for the FBI.

State Police officials were developing strong suspicions about the deal Bulger had with the FBI, and had gone so far as to accuse the bureau of tipping off Bulger and Flemmi.

While not confirming the informant relationship to the State Police, the top FBI agent in Boston at the time, Larry Sarhatt, nonetheless initiated an internal review of Bulger.

Connolly went to work. By employing a variety of techniques, he took raw nuggets of Bulger information and made them glitter. Like the Medford robbery, he embellished Bulger's role in cracking other cases. In addition, Connolly padded Bulger's file with information that actually came from Flemmi. Recently, retired FBI supervisor Robert Fitzpatrick testified that during this time another FBI agent angrily accused Connolly of stealing material provided by his informants and crediting Bulger with it. Connolly has denied that claim, insisting he has done no wrong.

But between late 1980 and early 1981, Connolly produced two "justification memorandums" that touted Bulger's value in exaggerated terms; nearly every item Connolly cited was distorted in Bulger's favor, according to a Globe review.

The crown jewel of claims was attributing the FBI's successful bugging of Mafia headquarters in the North End to Bulger and Flemmi, an embellishment that was examined yesterday in Part 2. The other claims run the gamut from the Medford bank heist to solving murders and saving two agents' lives.

In his Bulger memo of Dec. 2, 1980, Connolly credited Bulger with breaking open a murder case four years earlier. Until Bulger offered a helping hand, wrote Connolly, the FBI had had "no positive leads" in the 1976 slaying of Joseph Barboza Baron in San Francisco. Baron was gunned down Feb. 11, 1976, and three months later, Connolly wrote, Bulger told him that a wise guy named Jimmy Chalmas had set up Baron.

By this time, however, Chalmas's possible role was old news. Chalmas was a prime suspect from the start. Baron had been shot outside his apartment, and homicide detectives had interrogated Chalmas that night. Three months later, after the Bulger session, the FBI confronted Chalmas, who had worked previously as an

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informant
Chalmas agreed to resume that work. But from the moment Baron died, Chalmas was a hot lead. A BIG HOLE IN THE PAPERWORK

Next came perhaps the most intriguing of all the claims Connolly has made in promoting Bulger -- the assertion that Bulger had saved the lives of two FBI agents who'd worked undercover in two separate cases in the late 1970s. News of a plot to kill a federal agent is always alarming to law-enforcement officials. Twice, according to Connolly's memo, Bulger had provided theFBI with a lifesaving heads-up.

But ample evidence exists to suggest that while Bulger may have kept his ears open for possible trouble and may have passed along warnings, the circumstances in these cases were not as dramatic as Connolly later said. By the mid-1980s, even Connolly's new FBI supervisor harbored doubts about the claims.

From the start, there was a massive hole in Connolly's record-keeping about these emotional events: At the time they happened, he did not bother to document the vital information he later credited Bulger with providing. Throughout his years as Bulger's FBI handler, Connolly filed official reports, known as "209-inserts," documenting fresh underworld intelligence from the gangster -- tips ranging from important policy-making meetings to the trivial, such as a change in the betting line used by bookies. But, with agents' lives supposedly hanging in the balance, Connolly did not write up 209-inserts outlining the help he would later say proved so pivotal in protecting Nick Gianturco in 1978 and Billy Bulchka a year earlier.

To explain the omission, Connolly has since said he had no reason to write up the tips, and that once he received them he passed them along. But Morris, his former supervisor, testified recently that documenting assistance of this type would have been required as basic FBI procedure.

Only at crunch time did Connolly start a written chronicle -- in 1980 when he was ordered to write a justification for keeping Bulger allied with the FBI.

In his memo, Connolly wrote that back in 1978, Bulger had disclosed that a crew of truck hijackers from Charlestown "was thinking of taking Giarro out." This tip, wrote Connolly, enabled the FBI to "take steps to insure the safety of Special Agent Nicholas D. Gianturco, aka Nick Giarro."

And back in 1977, continued Connolly, Bulger told him of a plan to kill agent Butchka, who was posing as a buyer of stolen paintings and

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jewelry from a burglary ring. Bulger, "on his own, was successful in preventing the prospective hit men from taking any action against Butchka."

The two agents in question back up Connolly.

"I will verify I was working undercover and that I did receive a call that someone was going to hit me, and later I was told it was attributed to one of John Connolly's informants," said Butchka. "This was basically all I knew about it." But he said he could no longer recall the name of the agent who warned him or the names of the thieves he was told were after him.

In federal court recently, Gianturco testified that late one night in October 1978, Connolly called him and persuaded him not to meet with the truck hijackers. "He said they were going to kill me," Gianturco said. "I was kind of glad that Mr. Bulger and Mr. Flemmi were kind of watching out for me."

Over time, Connolly's retelling of these Bulger moments has grown more inflated. In a follow-up memo, Connolly wrote that Bulger had provided the information to protect FBI lives, "at great personal risk to source's life," a claim not documented in any reports.

"They saved one of my friends' life," added Connolly in a recent interview. "You can't be around those guys for 15 years and not like them. You had a common enemy."

But the lifesaving scenarios Connolly has described to bolster Bulger's profile within the bureau are contradicted by key officials who participated in each investigation. They do not recall any specific death threats -- and to a person they said they would not likely forget a plot to kill an agent. The plots, they said, would have triggered internal alarms and would have been documented at the time, not in a memo two years later.

Moreover, hard evidence of a murder plot could have been raised againstthe defendants charged in the truck hijacking and burglary ring during a bail hearing or, upon conviction, at sentencing, if not pursued outright as a charge. But none of that, they said, occurred in either case.

"I don't remember him [Butchka] ever being threatened," said Michael Collora, the former federal prosecutor who oversaw prosecution of the burglary ring infiltrated by Butchka. Collora, now in private practice and representing Morris, the former supervisor, added in a recent interview: "I would have known about any threat because we would've had to make a decision whether to pull

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him off, and that was never done."

Likewise in the truck-hijacking case, which was run jointly by the FBI and the State Police, the FBI's own internal reports -- monthly "airtells" that updated higher-ups on the case's progress -- made no mention of any alarm over Gianturco's safety.

"I absolutely never heard of it," said Robert Long, a retired State Police official who had coordinated the probe. "Nor did the colonel of the State Police overseeing the operation hear about it. Nor did any of the troopers permanently assigned to the project. Nor did my counterpart in the FBI."

If a hijacker was planning to kill an agent, continued Long, "wouldn't you want to monitor the suspect's movements? Because if he didn't succeed that day, there would be another day, another time, and he'd keep trying."

Eventually, even one of Connolly's FBI supervisors voiced skepticism about Connolly's lifesaving claims. Retired agent James A. Ring testified in June that after taking over the organized-crime squad in 1983 he began to assess Bulger and "Mr. Connolly was saying to me -- discussing the value of Mr. Bulger and Mr. Flemmi -- that they had saved Nickie Gianturco's life." Soon after, said Ring, he sought out Gianturco.

"I asked him what was the story?" testified Ring. Gianturco, said Ring, described the case and how he'd gotten a "warning" from Connolly not to go to a meeting.

Testified Ring: "I think what I was saying to him was: 'You didn't answer my question. My question was: Are you reporting to me that you believe that these two people saved your life? And I'm not sure that I can sit here and say that I ever got an answer. It's a matter of interpretation."

But in a crucial 1980 FBI memo, Connolly said it did happen, citing the foiled assassination attempts in a menu of Bulger accomplishments he argued justified sticking with the crime boss. Last spring, Morris, while rejecting the notion that Connolly's reports contained lies, did concede, "We were trying to put them [Bulger and Flemmi] in their best light."

In the end, this early crisis passed. Bulger was kept on. Throughout the 1980s, other challenges arose. There were even times when Bulger was closed down for a spell. But Connolly was able to fight off the critics and remain the anointed chronicler of Bulger for the FBI. A KNACK FOR STORYTELLING

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Besides his special memos, Connolly had a knack for embellishing Bulger's doings in routine FBI filings, sometimes at the expense of Flemmi.

Occasionally, Connolly filed duplicate reports for each -- attributing the same information in the exact same words to both Bulger and Flemmi. The only difference between the two reports was the typewriter used to write them. At other times the wording wasn't exactly the same, but the information was, and both would get credit.

To explain the overlap, Connolly has said he wasn't especially careful about how he kept the books, given that he considered them one source. "Oftentimes they blurred," Connolly said in an interview about his late-night meetings with the pair of gangsters. "The information almost came as one."

Even so, at key moments Connolly favored Bulger. In early 1981, for example, Connolly apparently manipulated a tip about the Mafia's interest in a businessman named Harvey Cohen. Initially, he wrote up similarly-worded reports for Bulger and Flemmi: That on March 13, 1981, each provided information that Cohen might have a "serious problem" with the mob. Flemmi's report was slightly more detailed; besides identifying Cohen, the report cited the name of Cohen's trucking company in East Boston.

The FBI bug that was in operation during the early part of 1981 soon picked up Mafia leader Ilario Zannino referring to Cohen. "This Harvey Cohen, I'm going to kill him," grumbled Zannino to a soldier in the early morning of April 3, 1981.

The FBI then warned Cohen before the Mafia was able to act.

For a handler of informants like Connolly, this was a high-five moment. Tips about the Mafia on the verge of violence are highly valued by the FBI. But in a second justification memo, Connolly singled out Bulger for glory, not Flemmi. The Cohen matter had erupted at a time when Connolly had been ordered to justify his ties to the controversial Bulger, and in the second memo he stressed Bulger had "advised that the Mafia is going to kill a Jewish guy named Cohen." In a memo he filed for Flemmi, Connolly did not mention Cohen at all.

Last year, Flemmi himself drew attention to the Connolly practice of giving Bulger credit for information that had come from him. In a sworn affidavit, he noted that in 1984 he'd given Connolly a tip about an underworld figured named Robert Daddieco. However, wrote Flemmi, Connolly later "apparently recorded the essence of it in an

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insert to the Bulger informant file, but not in mine."

Today, a number of organized-crime investigators and attorneys who have examined Connolly's once-secret files have concluded that Flemmi was actually the more valuable informant to the FBI. Between the two, Flemmi was the one with long, personal ties to Zannino and the Mafia. Over the years, Zannino, Raymond Patriarca, and other Mafia leaders repeatedly tried to persuade Flemmi to join La Cosa Nostra. Flemmi, not Bulger, had the juice, and was the frequent visitor inside Mafia offices. Over the years Flemmi, not Bulger, drew up diagrams of various Mafia meeting places, providing Connolly with a floor plan and pointing out where each Mafioso sat.

"No question," said one of the attorneys about Flemmi's superior value to Bulger. Others go so far as to wonder why the FBI ever needed Bulger, since the once-secret bureau files also reveal Flemmi was already on board and had been working on-and-off as an informant since the mid-1960s.

To date, Connolly has invoked his Fifth Amendment privilege rather than testify about his dealings with Bulger and Flemmi. In interviews, he defended his work, saying he's done no wrong and broken no laws.

Instead, Connolly angrily accused the government of betraying him and breaking a promise to Bulger and Flemmi never to disclose that they were informants.

"The fact they were stone killers and major gangsters has nothing to do with the government's word," Connolly said. "Those were the people the government chose to go into business with. Those were the people the government benefited from, so the very least they could do is keep their goddamned word." A LAST HURRAH FOR BULGER HYPE

Eventually, even John Morris, the corrupted FBI supervisor, had had enough. Jumping off the Bulger bandwagon in the late 1980s, he advised the FBI to cut Bulger loose. But Connolly now had a new champion in the office, the special agent in charge of Boston from 1986 to 1989, James Ahearn.

Not long after his arrival, Ahearn ordered a deputy to review Bulger's status. In hindsight, the outcome -- to keep Bulger -- was hardly a surprise. In recent testimony, an FBI official said the review consisted largely of looking at Connolly's files and talking to Connolly himself. Connolly, said the FBI official, believed that Bulger "absolutely should remain" an informant.

The high-water mark in the FBI's peculiar view of Bulger came in

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1989, the culmination of more than a decade of often skewed paperwork.

In a secret memo to the FBI director, Ahearn heaped praise on Connolly and his prized informant. Bulger, he wrote, was "regarded as the most important Organized Crime informant for many years." The memo did not even mention Flemmi by name.

This was a last hurrah of sorts in Bulger hype.

That same year Flemmi -- not Bulger -- was the informant who proved indispensable in an FBI coup: the first-ever bugging of an actual Mafia induction ceremony in Medford. Just as Bulger was being called the FBI's most valuable Mafia informant, the previously secret FBI files now show Bulger had little to no role in the history-making bugging operation.

Instead, the agent assembling the probable cause required to win court approval for a bug relied extensively upon Flemmi's FBI informant reports. To be sure, Bulger's reports could have been utilized since Connolly, as was long his style, had prepared reports for Bulger that were mirror images of Flemmi's. But at crunch time, the FBI turned to Flemmi as the informant more credible about the Mafia.

The worm was turning in Boston for Bulger and the FBI.

In 1988, the Globe disclosed for the first time Bulger's relationship with the FBI -- which top agent Ahearn said for the record was "absolutely untrue." Soon Connolly himself was preparing to leave the FBI and take a top job at Boston Edison. Before he left, he filed a report suggesting his two informants were calling it a day -- "packing it in and going into various legitimate businesses that they own." Flemmi, for one, had used cash to buy up a slew of real estate in Boston's Back Bay.

But what Connolly considered retirement, federal prosecutors saw as money laundering. By 1990, a new team had taken over, headed by Fred Wyshak, an aggressive assistant US attorney.

Just a year after Ahearn's remark about how prized an asset Bulger was, Bulger and Flemmi were closed down for good.

Before the curtain fell, the FBI finally called a halt to Connolly's home visits. By the late 1980s, testified former supervisor Ring, Connolly was ordered to stop playing host to the two informants at his and other agents' homes.

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"My whole thought was this is just stupid," said Ring. The long-running practice, he had concluded, was "unprofessional.

"Not the way business is done by FBI agents."

--- INDEX REFERENCES ---

KEY WORDS: BOSTON; ORGANIZED CRIME; NAME-BULGER; SPOTLIGHT; SERIES; NAME-CONNOLLY

NEWS SUBJECT: Local/Regional Section (LCR)

EDITION: CITY EDITION

Word Count: 3476

7/21/98 BOSTONG A1

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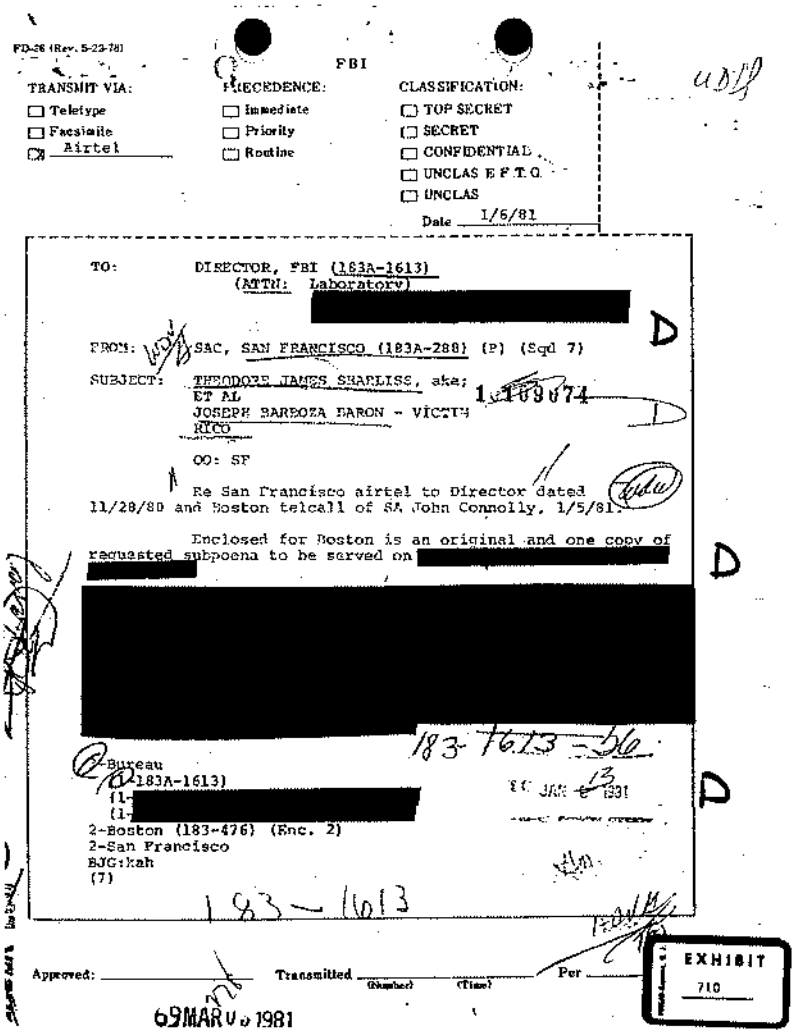

FD-36 (Rev. 5-22-78)

FBI

TRANSMIT VIA:
- ☐ Teletype
- ☐ Facsimile
- ☒ Airtel

PRECEDENCE:
- ☐ Immediate
- ☐ Priority
- ☐ Routine

CLASSIFICATION:
- ☐ TOP SECRET
- ☐ SECRET
- ☐ CONFIDENTIAL
- ☐ UNCLAS E F T O
- ☐ UNCLAS

Date 1/6/81

TO: DIRECTOR, FBI (183A-1613)
(ATTN: Laboratory)
[redacted]

FROM: SAC, SAN FRANCISCO (183A-288) (P) (Sqd 7)

SUBJECT: THEODORE JAMES SHARLISS, aka;
ET AL
JOSEPH BARBOZA BARON - VICTIM
RICO

OO: SF

Re San Francisco airtel to Director dated 11/28/80 and Boston telcall of SA John Connolly, 1/5/81.

Enclosed for Boston is an original and one copy of requested subpoena to be served on [redacted]

[redacted]

183-1613-56

2-Bureau
(183A-1613)
(1-[redacted])
(1-[redacted])
2-Boston (183-476) (Enc. 2)
2-San Francisco
BJG:kah
(7)

183-1613

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____

69MAR 6 1981

EXHIBIT 710

SF 183A-288
BJG:kah

For information of the Bureau and Boston, on 1/22/81 San Francisco will begin to present this case to the Federal Grand Jury to seek an indictment against Joseph Russo for the murder of former Government witness Joseph Barboza Baron.

LEAD:

[redacted]

**Memorandum**

To : MR. STAMES

Date 1-28-81

From : J. M. Jones

Subject : THEODORE JAMES SHARLISS, AKA;
ET AL.;
JOSEPH BARBOZA BARON - VICTIM
RICO

IDENTIFICATION IN GANGLAND-STYLE
EXECUTION OF GOVERNMENT WITNESS

Victim Baron [redacted] He had testified in 1968 against numerous LCN members of the New England Crime family and also before the Senate Select Committee on Crime in the 1970's.

Subject Sharliss has stated that he met with Joseph A. Russo in 1975 and Russo offered a murder contract on Baron to him for $25,000.00.

[redacted] as it places Russo in San Francisco prior to the murder of Baron.

[redacted]

183-1613-65

23 FEB 18 1981

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(4)

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EXHIBIT
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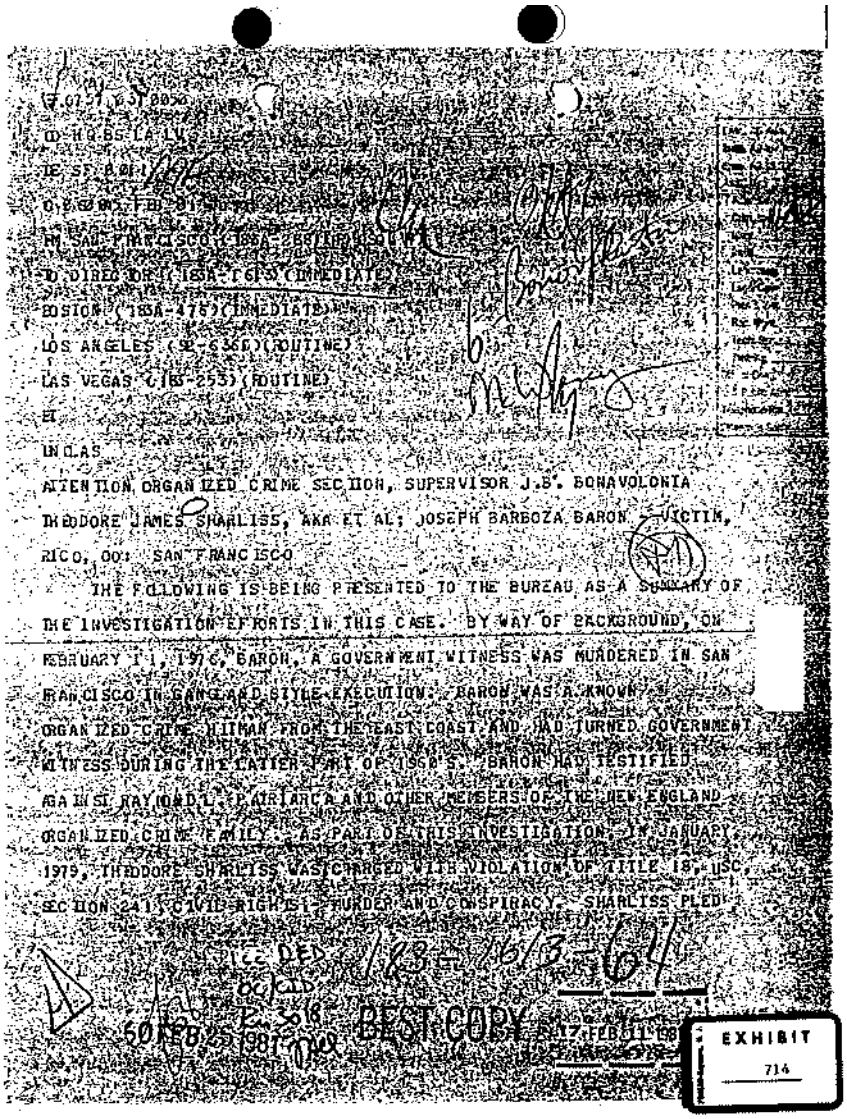

(A)
(F.0757 03 0050)

OO HQ BS LA LV

DE SF 0011

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FM SAN FRANCISCO (183A-2881)(RUSQUIT)

TO DIRECTOR (183A-1613)(IMMEDIATE)

BOSTON (183A-476)(IMMEDIATE)

LOS ANGELES (92-6360)(ROUTINE)

LAS VEGAS (183-253)(ROUTINE)

BT

UNCLAS

ATTENTION ORGANIZED CRIME SECTION, SUPERVISOR J.B. BONAVOLONTA

THEODORE JAMES SHARLISS, AKA ET AL; JOSEPH BARBOZA BARON - VICTIM,

RICO, OO: SAN FRANCISCO

THE FOLLOWING IS BEING PRESENTED TO THE BUREAU AS A SUMMARY OF THE INVESTIGATION EFFORTS IN THIS CASE. BY WAY OF BACKGROUND, ON FEBRUARY 11, 1976, BARON, A GOVERNMENT WITNESS WAS MURDERED IN SAN FRANCISCO IN GANGLAND STYLE EXECUTION. BARON WAS A KNOWN ORGANIZED CRIME HITMAN FROM THE EAST COAST AND HAD TURNED GOVERNMENT WITNESS DURING THE LATTER PART OF 1960'S. BARON HAD TESTIFIED AGAINST RAYMOND L. PATRIARCA AND OTHER MEMBERS OF THE NEW ENGLAND ORGANIZED CRIME FAMILY. AS PART OF THIS INVESTIGATION, IN JANUARY, 1979, THEODORE SHARLISS WAS CHARGED WITH VIOLATION OF TITLE 18, USC, SECTION 241, CIVIL RIGHTS - MURDER AND CONSPIRACY. SHARLISS PLED

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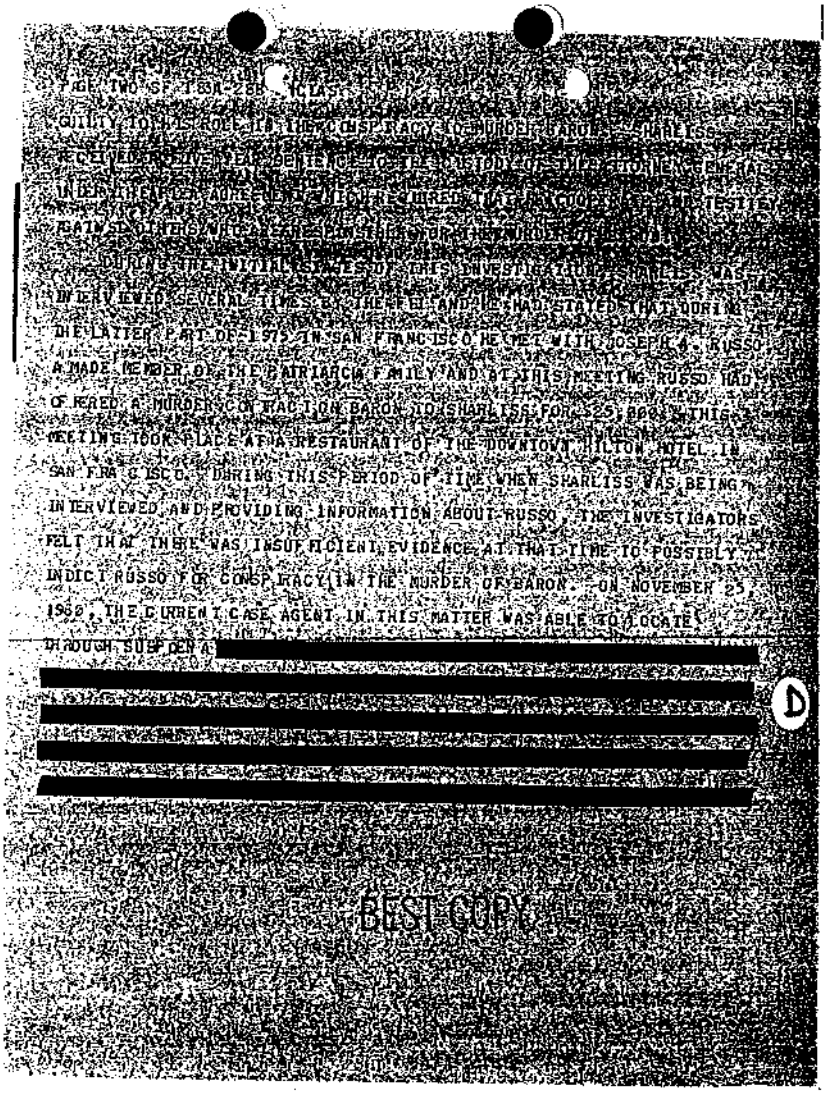
EXHIBIT

714



PAGE TWO SF 183A-288 CLAS

GUILTY TO HIS ROLE IN THE CONSPIRACY TO MURDER BARON. SHARLISS RECEIVED A FIVE YEAR SENTENCE TO THE CUSTODY OF THE ATTORNEY GENERAL UNDER THE FEDERAL AGREEMENT WHICH REQUIRED THAT HE COOPERATE AND TESTIFY AGAINST OTHERS WHO ARE RESPONSIBLE FOR THE MURDER OF BARON.

DURING THE INITIAL STAGES OF THIS INVESTIGATION, SHARLISS WAS INTERVIEWED SEVERAL TIMES BY THE FBI AND HE HAD STATED THAT DURING THE LATTER PART OF 1975 IN SAN FRANCISCO HE MET WITH JOSEPH A. RUSSO, A MADE MEMBER OF THE PATRIARCA FAMILY AND AT THIS MEETING RUSSO HAD OFFERED A MURDER CONTRACT ON BARON TO SHARLISS FOR $25,000. THIS MEETING TOOK PLACE AT A RESTAURANT OF THE DOWNTOWN HILTON HOTEL IN SAN FRANCISCO. 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. ON NOVEMBER 25, 1980, THE CURRENT CASE AGENT IN THIS MATTER WAS ABLE TO LOCATE THROUGH SUBPOENA [redacted]

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PAGE THREE SF 166A-2 UNCLAS

CONFIRMED SHARLISS' PREVIOUS STATEMENTS THAT HE PERSONALLY MET WITH JOSEPH RUSSO IN THE LATTER PART OF 1979 WHEREIN THE CONTRACT TO MURDER BARON WAS OFFERED TO SHARLISS. [redacted]

AFTER A THOROUGH REVIEW OF ALL THE INFORMATION AND EVIDENCE IN THIS CASE AND THE FACT THAT ON FEBRUARY 11, 1981 THE STATUTES OF LIMITATION FOR THE CIVIL RIGHTS VIOLATION WILL HAVE RUN, THE SAN FRANCISCO STRIKE FORCE WAS CONSIDERING PRESENTING THIS CASE TO THE FEDERAL GRAND JURY ON JANUARY 22, 1981 TO BE COMPLETED ON FEBRUARY 5, 1981. IT WAS DECIDED THAT PRIOR TO PRESENTING THIS MATTER TO THE GRAND JURY, THEODORE SHARLISS WOULD NEED TO BE THOROUGHLY REINTERVIEWED BY THE TWO STRIKE FORCE ATTORNEYS AND THE CASE AGENT. AS A RESULT, ON JANUARY 19, 20, 21, AND 22, 1981, SHARLISS WAS THOROUGHLY AND EXHAUSTIEDLY INTERVIEWED BY THE CASE AGENT AND THE TWO STRIKE FORCE ATTORNEYS. IT WAS BASED UPON THESE INTERVIEWS AND THE COMPLETE REEXAMINATION OF THIS CASE AND THE EVIDENCE THAT ON THE EVENING OF JANUARY 22, STRIKE FORCE CHIEF MICHAEL STERRETT VERBALLY DECLINED TO PROSECUTE THIS CASE. PRIOR TO MAKING THIS DECISION, THE FOLLOWING FACTORS WERE WEIGHED:

1. THERE WAS A THOROUGH AND COMPREHENSIVE REEXAMINATION OF THE LIMITED AMOUNT OF EVIDENCE WHICH WAS GATHERED IN THIS CASE. THIS

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PAGE FOUR SF 188A-288 UNCLAS

EVIDENCE CAN ONLY BE DESCRIBED AS MINIMAL AT BEST.

2. THERE WAS AN EXTENSIVE REEXAMINATION OF ALL 302 WITNESS REPORTS AND THE RECENTLY DISCOVERED EVIDENCE INDICATING THAT RUSSO HAD STAYED AT THE HILTON/HOTEL DURING THE LATTER PART OF 1975. AS A RESULT OF THIS EXAMINATION, IT WAS DETERMINED THAT THERE WAS ONLY ONE MAIN WITNESS IN THIS CASE, THAT BEING THEODORE SHARLISS.

3. FOUR FULL DAYS WERE SPENT DISCUSSING, QUESTIONING, EXAMINING THE PRIME WITNESS IN THIS CASE TRYING TO GAUGE HIS EFFECTIVENESS AS A PROSECUTION WITNESS AND ALSO HOW HE WOULD HOLD UP UNDER PRESSURE OF A DEFENSE CROSS EXAMINATION. AFTER THIS EXAMINATION, SHARLISS COULD ONLY BE DESCRIBED AS A WEAK GOVERNMENT WITNESS.

4. SHARLISS' CREDIBILITY AS A WITNESS WAS REVIEWED. AFTER EXAMINING SHARLISS' EXTENSIVE CRIMINAL RECORD, THE FACT THAT SHARLISS HAD LIED TO THE FBI AND STRIKE FORCE IN THE PAST, IT WAS BELIEVED THAT SHARLISS' CREDIBILITY AS A WITNESS WAS GREATLY HAMPERED.

5. THE TWO STRIKE FORCE ATTORNEYS AND THE CASE AGENT TRIED TO GAUGE THE EFFECT OF TESTIMONY THAT THE PRIME WITNESS IN THIS CASE HAD A SEVERE DRINKING AND DRUG PROBLEM AT THE CRUCIAL TIME WHEN THE CONSPIRACY WAS TAKING PLACE AND AT THE TIME OF THE MURDER. IT WAS BELIEVED THAT NOT ONLY DID THE PROBLEM EXIST, BUT THAT THE PROBLEM

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PAGE FIVE SF 183A-2E UNCLAS

BECAME WORSE AFTER THE MURDER AND THE PROBLEM EXISTED DURING THE TIME WHEN SHARLISS STARTED PROVIDING INFORMATION TO THE GOVERNMENT ABOUT THIS CASE.

U.S. STRIKE FORCE ATTORNEYS AND CASE AGENT ALSO WEIGHED THE FACT THAT THERE WAS NO ADDITIONAL WITNESSES THAT COULD BE LOCATED AND IT WAS BELIEVED THAT NO PHYSICAL EVIDENCE WAS LEFT TO BE UNCOVERED.

IN VIEW OF ALL THE ABOVE, STRIKE FORCE ATTORNEY MICHAEL SIERRETT DECLINED PROSECUTION AGAINST JOSEPH RUSSO IN THIS CASE. SIERRETT ADVISED THAT THE EVIDENCE IN THIS CASE WAS INSUFFICIENT TO SUPPORT A SUCCESSFUL PROSECUTION OF JOSEPH A. RUSSO. SIERRETT ALSO STATED THAT IT WAS HIS JUDGEMENT THAT SHARLISS WAS NOT A CREDIBLE WITNESS AND WOULD NOT BE BELIEVABLE IN FRONT OF A JUDGE AND JURY AND FURTHER THE GOVERNMENT WOULD UNABLE TO CORROBORATE HIS TESTIMONY WITH SOLID EVIDENCE REGARDING THE CRUCIAL TIME OF THIS CASE.

ON A MEMO DATED JANUARY 27, 1981, MICHAEL SIERRETT PROVIDED HIS REASONS FOR DECLINING IN THIS MATTER TO MICHAEL DEFEO, DEPUTY CHIEF, ORGANIZED CRIME AND RACKETEERING SECTION, U.S. DEPARTMENT OF JUSTICE. IT WAS NOT UNTIL TODAY'S DATE, FEBRUARY 6, 1981, THAT MICHAEL SIERRETT RECEIVED OFFICIAL WORD OF CONCURRENCE IN HIS DECISION NOT TO PROSECUTE THIS MATTER FROM HIS SUPERVISOR IN THE DEPARTMENT OF JUSTICE.

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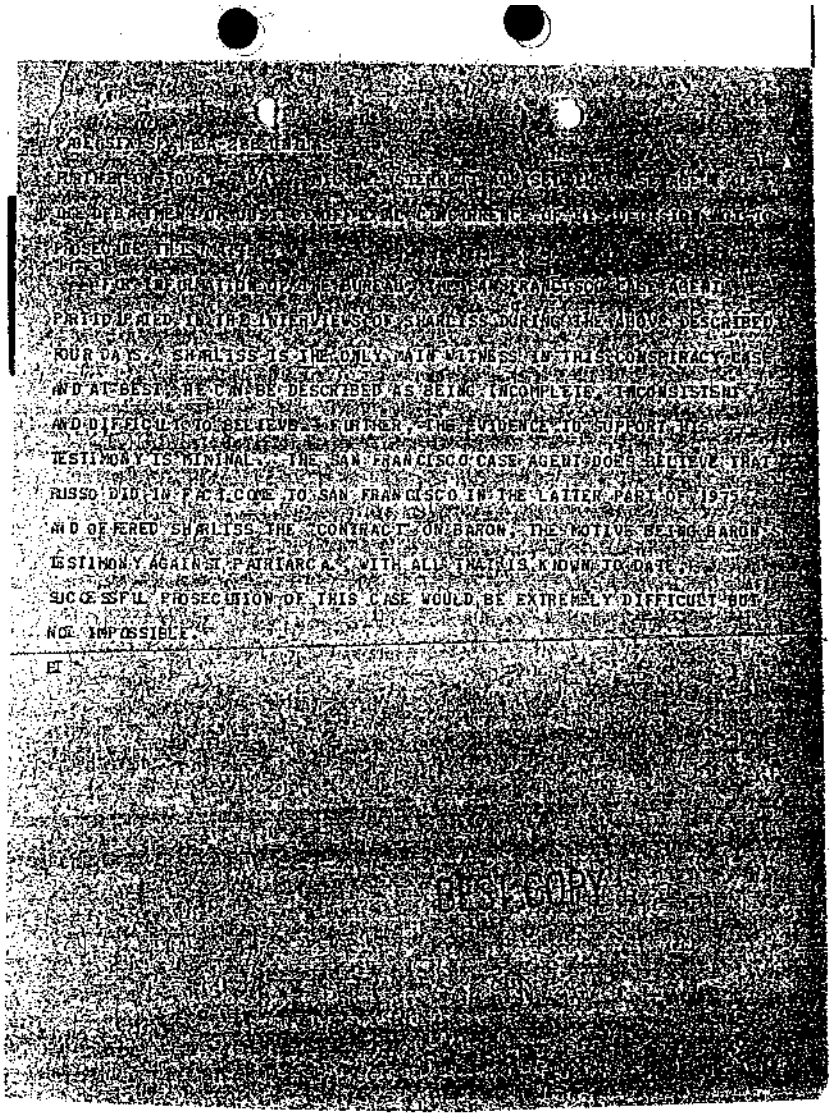


**Memorandum**

To : SAC, BOSTON (182A-1021) (P) Date 3/9/81

From : SUPV. JOHN M. MORRIS

Subject : HENRY TAMELEO;
BEN DE CRISTOFORO;
JOSEPH SALVATI, aka
Etc.
IGB (A)

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, OO: BS. This coverage has been continuous and is expected to remain so for at least the next 60 days. Until the monitoring, search warrant, and preliminary review phases have been completed in conjunction with the above mentioned Title III coverage, no investigation can be reasonably expected relative to captioned matter.

G

JMM/dn
(2)

182-1021-6

Closed 6

EXHIBIT
716

SAC, BOSTON (182-1021) 3/17/81

SA John J. Cloherty, Jr.

HENRY TAMELEO, ET AL
IOB (A)

On January 14, 1981, Strike Force Attorney Martin Boudreau made available zerox copies of [redacted] which were obtained pursuant to a subpoena duces tecum:

[redacted] D

The records have been placed in the 1-A Section of captioned file.

It has been determined through Boston investigation entitled [redacted] that Joe "The Horse" Salvati is aware that [redacted] were subpoenaed for above. G D

JJC/mab
(2)

182-1021-7
SEARCHED INDEXED
SERIALIZED FILED
MAR 17 1981
FBI - BOSTON

EXHIBIT
717

255 (Rev. 7-16-80)

# Memorandum

NOTE: Submit original and two copies.

To : Director, FBI

Date 4/15/81

Attention: Personnel Section

From : SAC, Boston

Subject : RECOMMENDATION FOR INCENTIVE AWARD

0-1

| Name(s) | Assigned | EOD | Grade | Salary | Social Security No. |
|---|---|---|---|---|---|
| John J. Cloherty, Jr. | Boston | CIR 2/15/60<br>SA 9/30/63 | GS-13 | $38,456 | [redacted] |
| John Connolly, Jr. | Boston | 11/4/66 | GS-13 | $35,252 | [redacted] |
| John M. Morris (letter only) | Boston | 12/7/70 | GS-14 | $41,657 | [redacted] |

BASIS for this recommendation is as follows: (Check one or more as facts justify.)

☐ 1. Performance which has involved the overcoming of unusual difficulties. (List specific obstacles, problems, hardships, sacrifices, etc., as well as unusual investigative techniques utilized with results achieved, setting forth precisely how employee overcame obstacles, etc.)

☐ 2. Creative efforts, which have increased efficiency, or improved the service. (Describe in detail listing benefits and/or savings resulting.)

☐ 3. Performance of assigned duties, with special effort or innovation that results in significant economies or other highly desirable benefits. (Detail efforts or innovation as well as end results.)

☒ 4. Performance of assigned tasks so that one or more important job requirements significantly exceeded. (Set forth specific job requirements and how exceeded.)

☐ 5. Exemplary or courageous handling of an emergency situation in connection with or related to official employment. (Describe in detail, listing specific risks or dangers involved and results achieved.)

☐ 6. Sustained above-average performance for a minimum of 6 months that merits recognition. (Point out specifically how performance is considered superior. Use examples and illustrations wherever possible. In addition to results attained advise what employee has done to achieve outstanding results.)

JUSTIFICATION: (Set forth below, and attach supplemental page(s) as necessary, a clear, concise report of employee's performance in justification of award. Be specific and omit generalities. Give facts, not conclusions. Not only advise what was accomplished, but how it was accomplished, placing emphasis on performance. Remember that these justifications must be adequate. They may be subject to post-audit outside the Bureau but do not withhold information for security reasons since neither this form nor any confidential information will be made available outside the Bureau for such post-audits.)

Case caption if applicable:

Myles J. Connor, Jr., aka;
et al
RICO (B)
OO: BS
Bufile 183-3576
Boston file 183B-523

RECEIVED FROM FIELD
PERSONNEL FILE
67 - NOT RECORDED

3 - Bureau
4 - Boston (66-82)
FF:mm
(7) 1 - Personnel Files,
Cloherty, Connolly, Morris

EXHIBIT
718

Instant case involved a much publicized investigation of notorious and bizarre figures whose M.O. was the commission of a crime and the reporting of same to the police for their own self aggrandizement in an effort not only to put suspicion on someone else but to reap the "fruits" of their own crime. The inordinate publicity given this matter emanated from the characters involved, such as the District Attorney, his assistant, and then high official of the State Police who ultimately served as witnesses for the defense of subject. Through outstanding and superior investigation several obstacles were surmounted in view of the "special relationship" between District Attorney Delahunt and subject Connor. Supervisor Morris and Special Agents Cloherty and Connolly triple-teamed the subject's overcoming road blocks that demanded extreme finesse and sensitivity in dealing with these high-ranking Government officials. Through the use of sophisticated investigative techniques and the use of informants, penetrating interviews with subject's witnesses and others in this matter it unabled the judicial utilization of Grand Jury subpoenas to result in a First Degree murder indictment which U. S. Attorney Edward Harrington stated was the direct result of the Bureau's aggressive and imaginative investigation of what appeared to be overwhelming odds.

Supervisor Morris
(not recommended for cash award but a letter of commendation)

Supervisor Morris, at the inception of the investigation, recognized the extreme complex and complicated web involving subject and his association with high-ranking law enforcement officials. In the midst of heated debates and name-calling he marshalled this investigation to its successful conclusion which resulted in a First Degree murder conviction on the part of subject. SA Morris overcame personnel and administrative obstacles and welded the Special Agent-attorney team that would ultimately serve to convict Connor. His on-the-scene supervision, constant review of information and extremely sensitive interview of District Attorney Delahunt is heralded as an unusual investigative accomplishment and one in which his performance significantly exceeded his supervisory job requirement. SA Morris is a resourceful leader and through his management role exposed the M.O. of Connor which resulted in the subsequent indictment and conviction of Connor and, according to the U. S. Attorney, begged the District Attorney's Office to respond to unanswered questions of the administration of justice of that office. The ensuing publicity has left no doubt in the public's mind that the FBI is indeed the most effective law enforcement agency in Massachusetts and this reputation is deserved due to the efforts of Supervisor Morris and his able-bodied agents.

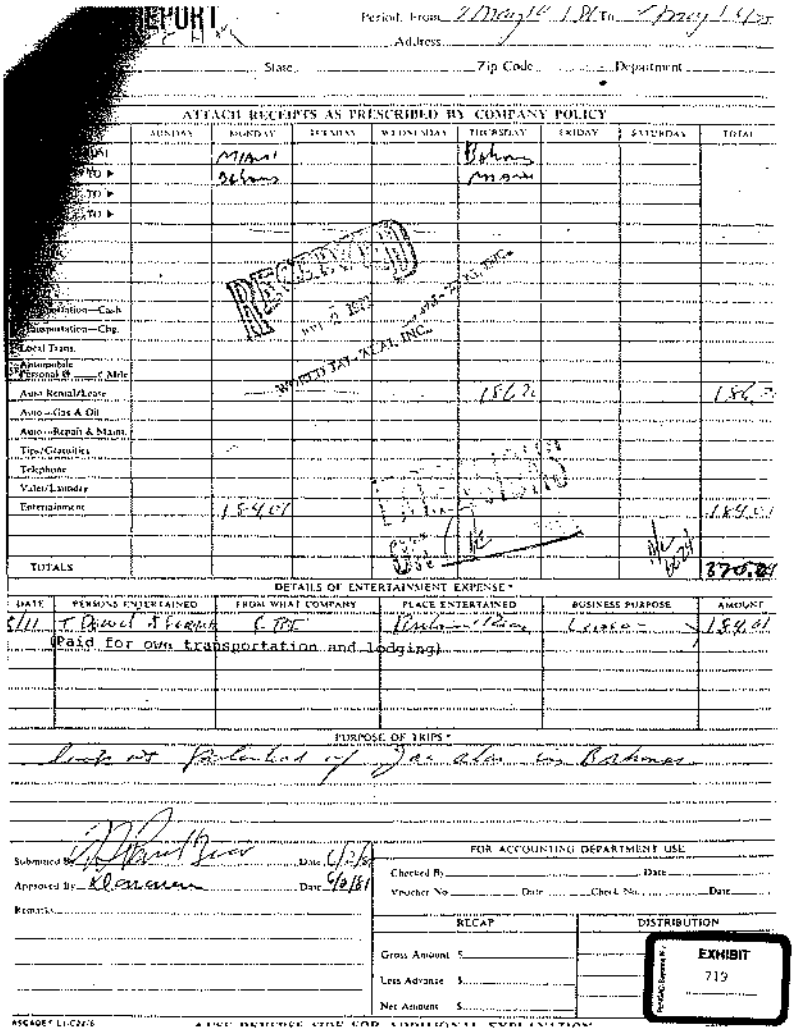
SA Cloherty (cash award)

SA Cloherty is the case agent who planned and coordinated this most important investigation. His ingenuity and tenaciousness was the primary movement in the dissection of this three-phased investigation ultimately furnishing evidence indicating improprieties and alleged criminal misconduct on the part of officials investigating this matter. SA Cloherty's investigative acumen recognized the M.O. of Connor and through penetrating interviews, reviewing prior evidence, correlating reports and communications, was instrumental in developing incriminating testimony that ultimately led to the indictment and conviction of subject. As a result of tedious and meticulous planning he was able to show the U. S. Attorney that a First Degree murder conviction was possible from a prosecutive point of view and also exposed the plea bargaining scenario on the part of the District Attorney's Office involving Connor and the subterfuge he engaged in in his attempt to cover his foul deeds. Testimony by the District Attorney and his assistant and other high Government officials used as a defense posture for subject was apparently disbelieved in view of the jury's guilty verdict but, more importantly, in view of the preponderance of exacting information developed by these agents. SA Cloherty, through his performance, overcame unusual difficulties which subjected him personally to unjust criticism and undue pressures because he was, in effect, accusing a chief law enforcement officer (third man in charge of the State Police at that time) and a District Attorney of manipulating evidence and subjects in this case. His sheer persistence, intelligence and persevering efforts served to resolve a growing rivalry between the State Police and the FBI in that each agency felt their own investigation was crucial and could result in a solution of a murder investigation. SA Cloherty recognized that Connor, as a major criminal figure, had frustrated law enforcement in the Boston area for years. Connor has manipulated some high law enforcement officials and influential Government prosecutors to his own advantage. SA Cloherty warded off potential future problems by taking the initiative in this very difficult investigation and even though subjected to unjust criticism and heavy pressure conducted himself in a truly professional manner bringing great credit to the FBI. His outstanding performance has been heralded by the former Commissioner of Public Safety for the Commonwealth of Massachusetts, as well as the Special Assistant Attorney General of Massachusetts and members of the Boston Police Department.

SA Connolly (cash award)

SA Connolly directed the informant phase of this most important investigation ingeniously, seizing on the investigative technique of polygraph followed by penetrating interviews. The results of these interviews by SA Connolly indicated witness and subject knowledge of involvement from the subject concerning items of evidence which had been previously submitted as evidence from police. The intricate and delicate balance of these interview techniques were consumated in spite of pressure directed against him by high-ranking law enforcement officials who steadfastly denied any complicity and tried to move toward a different investigative tack. SA Connolly's investigative job requirement was significantly exceeded due to his "high risk-high gain" technique. Had he failed to exact the incriminating evidence from his interviews he would have been castigated; however, he accomplished his end and through subsequent testimony this ultimately led to the indictment and conviction of First Degree murder on the part of subject. As a result of his meticulous planning and information from his many informants, the FBI's investigation was impeccable from a prosecutive point of view provoking the U. S. Attorney to exclaim that without the FBI this would not have taken place. SA Connolly's highly desirable interview technique achieved a distinct benefit in that the defense posture was completely emasculated and shown to be without fact, thus ending in the conviction of Connor for First Degree murder.

Even though SA Connolly directs numerous informants, sometimes in excess of twenty informants, he was able to direct the informant phase of this investigation which served to develop crucial witnesses in connection with the murder of two young girls by convicted felon Myles Connor. SA Connolly also was under extreme pressure and received unjust criticism from high Government officials and State prosecutors, which criticism he did not let rile him and maintained a truly professional demeanor bringing great credit to the FBI. His performance significantly exceeded his job requirement and his overcoming of obstacles involving rivalry between the FBI and the State Police was ameliorated because of his outstanding performanc and ultimate successful resolution which resulted in a First Degree murder conviction on the part of subject.



EPORT

Period: From 2 May 1[illegible] To 2 May 1[illegible]

Address

State Zip Code Department

ATTACH RECEIPTS AS PRESCRIBED BY COMPANY POLICY

| | SUNDAY | MONDAY | TUESDAY | WEDNESDAY | THURSDAY | FRIDAY | SATURDAY | TOTAL |
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| [illegible] | | Miami | | | Bahamas | | | |
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| Automobile Personal @ ____ ¢ Mile | | | | | | | | |
| Auto Rental/Lease | | | | | 186.[illegible] | | | 186.[illegible] |
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| Auto—Repair & Maint. | | | | | | | | |
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| Telephone | | | | | | | | |
| Valet/Laundry | | | | | | | | |
| Entertainment | | 184.01 | | | | | | 184.01 |
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RECEIVED
[illegible] 1981
WORLD TAX ACAD. INC.

DETAILS OF ENTERTAINMENT EXPENSE *

| DATE | PERSONS ENTERTAINED | FROM WHAT COMPANY | PLACE ENTERTAINED | BUSINESS PURPOSE | AMOUNT |
|---|---|---|---|---|---|
| 5/11 | T. Dowd & Frank | C.P.E. | [illegible] | Lease | 184.01 |
| | (Paid for own transportation and lodging) | | | | |
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PURPOSE OF TRIPS *

Look at Potential of Jac also in Bahamas

Submitted By [signature] Date 6/2/81

Approved By [signature] Date 6/2/81

Remarks

FOR ACCOUNTING DEPARTMENT USE

Checked By _____ Date _____

Voucher No _____ Date _____ Check No. _____ Date _____

| RECAP | DISTRIBUTION |
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| Gross Amount $ | |
| Less Advance $ | |
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EXHIBIT
719

ASC4085 L1-C2/76

USE REVERSE SIDE FOR ADDITIONAL EXPLANATION

**Memorandum**

To : SAC, BOSTON (182A-1021) Date 5/15/81

From : SA SHAUN T. RAFFERTY

Subject : HENRY TAMELEO
IGB (A)

On 5/15/81, Joseph Williams, Massachusetts State Parole, advised that on 5/9/81, Henry Tameleo was visited in prison by the following individuals:

Donald Fraser
9/13/31
white male

Ronald Shurtleff
7/13/54

Both have robbery arrests and Fraser is on parole. He may now be in the Charles Street Jail.

STR/dn

182-1021-9
SEARCHED ___ INDEXED ___
SERIALIZED ___ FILED ___
MAY 15 1981
FBI - BOSTON

EXHIBIT
720

GRANTING COMMUTATION HEARING

PETITIONER: PETER J. LIMONE
OFFENSE: MURDER FIRST DEGREE

SENTENCE: LIFE

EFFECTIVE DATE: 11-1-67
DATE PETITION RECEIVED: 5-8-81

_____ GRANT
✓ DENY
_____ DENY W/O PREJUDICE

[redacted] DATE: 5/19/81

COMMENTS: A case squarely under our guidelines

_____ GRANT
✓ DENY
_____ DENY W/O PREJUDICE

[redacted] DATE: 5/19/81

COMMENTS: Although Mr. Limone instituted [illegible] [redacted]

_____ GRANT
✓ DENY
_____ DENY W/O PREJUDICE

[redacted] DATE: 5/19/81

COMMENTS: [illegible]

_____ GRANT
✓ DENY
_____ DENY W/O PREJUDICE

[redacted] DATE: 5/19/81

COMMENTS: The institutional performance is a balance [illegible]

_____ GRANT
✓ DENY
_____ DENY W/O

[redacted] DATE: 5/19/81

COMMENTS: [illegible]

EXHIBIT 721

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Published: 11/09/1997 Edition: STATEWIDE
Page: A8 Type: SIDEBAR; CHRONOLOGY; BOX
Section: MAIN Source: Research by EDMUND MAHONY
Column: Series:

## WORLD JAI ALAI, MOB HITS, AND THE FBI: A CHRONOLOGY

1974: World Jai Alai hires John B. Callahan as president. Callahan quickly makes a number of new hires, including H. Paul Rico, a retired FBI agent from Boston who becomes vice president and chief of security.

1976: Callahan resigns from World Jai Alai when publicity about his mob connections threatens the company's chances of licensing a Hartford fronton. He is replaced by his longtime friend Richard Donovan.

1977: Tulsa businessman Roger Wheeler Sr. buys World Jai Alai after talks with two other potential buyers die amid reports of mob connections by both.

1980: Concerned about mob penetration of his business, Wheeler decides to sell his Hartford fronton. Connecticut state police investigate skimming and game fixing in the jai alai industry. Massachusetts police are repeatedly thwarted in their investigations of Winter Hill gang leaders ***James ``Whitey'' Bulger*** and Steven ``The Rifleman'' Flemmi. Meanwhile, the FBI in Boston -- using Bulger and Flemmi as informants -- is investigating Patriarca family underboss Jerry Angiulo.

1981

January: According to Winter Hill gang member Edward Brian Halloran, Callahan offers him a contract to kill Wheeler. Bulger and Flemmi are present when the offer his made.

March: Wheeler finalizes sale of his Hartford jai alai fronton to L. Stanley Berenson.

EXHIBIT 723

April: Wheeler confides in his son that he suspects something is not right at World Jai Alai. He sends his son to Miami to check on the company's computer system and asks him to ''keep his ears'' open.

May: Wheeler is killed while leaving his Tulsa country club after his customary Wednesday afternoon round of golf.

July: Tulsa detectives assigned to the Wheeler homicide get their first tip from an informant implicating the Winter Hill gang in Wheeler's death.

1982

January: Halloran tells the FBI that he was offered the contract on Wheeler and implicates Callahan, Bulger, Flemmi and Rico. The FBI spends six weeks debriefing Halloran, before deciding he is not credible.

May: Halloran stays in touch with the FBI, informing on his mob pals until May 12, when he is gunned down on a south Boston street.

July: Detectives from Tulsa and the Connecticut and Massachusetts state police departments descend on Boston in a search for Callahan. They express mistrust of the FBI to Jeremiah O'Sullivan, the federal organized crime strike force prosecutor who is using Bulger and Flemmi to build a racketeering case against Angiulo. O'Sullivan reluctantly admits that Halloran tried to join the federal witness protection program. Callahan can't be located.

August: Callahan's decomposing body is found stuffed in the trunk of his leased Cadillac in an airport parking garage in Miami. He was shot repeatedly in the head and his killers have left a dime on his chest. Florida detectives say forensic evidence suggets Callahan was shot at World Jai Alai's nearby Miami fronton and his body was driven to the airport.

September: Connecticut state police detectives report to colleagues in Florida that they believe Wheeler was killed because he suspected his employees were skimming from World Jai Alai. One of Wheeler's sons tells Florida detectives the same thing.

September: Tulsa Police Department requests the convening of a federal grand jury investigation of the Wheeler homicide and asks

that Rico be subpoenaed as a witness. Both requests were denied.

October: Florida detectives, with assistance from Connecticut, seize tons of World Jai Alai records in an effort to uncover a skim. Although police are convinced a skim occurred, they cannot prove it. World Jai Alai sues Florida and Connecticut authorities and wins.

November: U.S. Department of Justice sponsors a task force meeting in Tulsa for the far-flung police agencies investigating Wheeler's death and other jai alai-related crimes. Justice asks that attendees provide it with any derogatory information they might have on Rico. Connecticut delegation balks and leaves the meeting.

1983: Based on informantion captured by secret FBI microphones, Angiulo is arrested after his federal indictment on racketeering charges.

1985: First National Bank of Boston pleads guilty to laundering money, much of it mob money collected by Jerry Angiulo. The bank's admission followed a two-year investigation.

1995: Bulger and Flemmi, along with reputed New England mob boss Francis ``Cadillac Frank'' Salemme and two underlings, are indicted on federal racketeering charges in Boston.

1997: U.S. District Court Judge Mark Wolf orders the FBI to publicly name certain of its informants in the middle of a legal hearing on whether some of the bureau's relationships with informants may have broken the law. The bureau named Bulger and Flemmi, among others. Flemmi discloses his defense to the racketeering charges: that if he was involved in any criminal activity, it was sanctioned by the FBI. Bulgher remains a fugitive. The hearings are continuing.

PHOTOS: (4 b&w) mugs

Caption: PHOTO 1: John B Callahan -- A confidant of top members of the Winter Hill Gang, became president of World Jai Alai in 1974

PHOTO 2: Jerry Angiulo -- Led the Boston faction of the Patriarca crime family and was targeted by the FBI for years.

PHOTO 3: Jack B. Cooper -- business associate of gangster Meyer Lansky, tried to buy World Jai Alai.

PHOTO 4: Meyer Lansky -- one of the nation's most powerful gangsters, surfaced when the FBI bugged New

Jersey businessmen trying to bring Jai Alai to their state.

Memo:
Keywords: TIMELINE; TIME LINE; CRIME; MURDER; HOMICIDE

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**Memorandum**

To : SAC, BOSTON (182A-1021) (C) Date 7/7/81

From : SA JOHN J. CLOHERTY, Jr.

Subject : HENRY TAMELEO
ET AL
IGB (A)

Remymemo, 11/20/80 and 3/17/81.

On 6/30/81, Bernie Lanoue, Internal Affairs, Massachusetts Department of Corrections, advised that his office has no information other than that furnished the writer by Linda Washburn on 11/18/80. Lanoue added that there is an inmate in place at MCI Framingham who in the future may be in a position to furnish specific information re Con-Puter, Inc. and/or Henry Tameleo, etal. Should this occur, Lanoue will recontact the writer.

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. D G

JJC/dn

Close it 7/7/81

182-1021-10
SEARCHED INDEXED
SERIALIZED FILED
FBI - BOSTON

EXHIBIT 724

7/7/88 Wash. Post C01
1988 WL 2042730

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Thursday, July 7, 1988

STYLE

# The Perplexing Case of Judge Alcee Hastings; Is He a Victim of His Own Greed? A House Panel Must Decide

Marjorie Williams
Washington Post Staff Writer

"Everybody thinks that to get to be a judge is supposed to be the biggest doo-doo on earth. It aaaiiiin't. It ain't! It's just something else to do."

The words are odd, coming not only from a judge, but from one whose appointment to the federal bench was a milestone; from one who has fought tooth and nail for almost seven years to remain a judge; from one who may soon join the thin ranks of the federal judges who have been ejected from their lifetime seats through impeachment by the U.S. Congress.

But then, as one of his lawyers puts it, "Alcee Hastings is not your typical federal judge."

The first black person ever to be appointed a federal judge in the state of Florida, Alcee Lamar Hastings was also the first federal judge ever to be tried on criminal charges while still on the bench. He has spent most of his time as a judge trying to prove that he did not conspire with a Washington lawyer to solicit bribes from mobsters wanting lenient sentences in his Miami courtroom.

In 1983 a jury acquitted him of the charge. But two judges of the 11th Circuit Court of Appeals filed a complaint under a 1980 law that empowers the federal judiciary to discipline individual judges for "conduct prejudicial to the effective and expeditious administration of the business of the courts."

After a 3 1/2-year investigation and a series of unanimous votes-by a panel of five judges, then by 14 judges of the circuit and district courts, and then by the 27-member Judicial Conference of the United States-the judiciary asked that Congress consider impeaching Hastings. The five-judge panel's 381-page report concluded that Alcee Hastings not only conspired to solicit a bribe, but also perjured himself on a grand scale to evade punishment for it, manufacturing evidence and lying on the witness stand about 15



separate points during his trial.

By the time the House subcommittee began hearings May 18 "In the Matter of the Impeachment Inquiry Concerning U.S. District Judge **Alcee** L. Hastings," a third charge had been made-that in 1985 Hastings leaked information that grew out of a wiretap order he signed, jeopardizing two FBI investigations. The Justice Department decided against prosecuting him, but an 11th Circuit investigation of this allegation is underway.

Today the eight members of the House panel are expected to end weeks of suspense over whether any of the charges will be sent on to the full Judiciary Committee and beyond, or whether the case of **Alcee** Hastings should be put to rest at last.

"I took an oath to uphold the law," Hastings is fond of saying. "I did not take an oath to luuuuhhv the law." His stress on the word suggests that the very idea is hilarious. "And I do not luuuuhhv the law."

At issue, though, is not whether **Alcee** Hastings loves the law. At issue is whether he sold it.

The reams of documents and pounds of testimony can be read to answer the question two ways, making him either an esteemed black leader who has been hugely wronged, or a man who made it big and threw it all away in some paroxysm of greed or self-destruction.

There do not appear to be any possibilities in between.

In the second week of hearings, a group of seventh- and eighth-grade American history students from Capitol Hill Day School was marched into Room 2226 of the Rayburn House Office Building to see the real thing in progress. For close to an hour, they stared obediently at the back of FBI Special Agent William J. Murphy Jr. as he was questioned about the afternoon 6 1/2 years ago when the Bureau sprang the trap it had set for **Alcee** Hastings.

When Michigan Rep. John Conyers, the subcommittee chairman, called a recess, Hastings chatted for a while with his lawyers. But suddenly-almost visibly-his radar picked up on the young life forms arrayed behind him.

He stood, turned to the children. "Hi," he said, and smiled his confiding smile. "I'm Al Hastings, the subject of this matter."

At 51 he is a small man, of delicate gestures-not an imposing figure but an animated one. And as he talked in his musical voice, the kids gathered around him, for all the world like the children of

Hamelin.

"As bored as you might be sitting here-and I can tell you, I'm bored too-" he said, "a substantial amount of history is taking place at this time." The reporters and cameramen nearby, having seen Hastings in action before, ignored this sideshow for several minutes. But gradually even those jaded souls shuffled closer, unable to resist the picture.

Again, you could almost see the radar: As the C-Span minicam approached, Hastings draped an arm oh-so-casually over the shoulder of a slim, freckled boy in a T-shirt. One foot up on a chair, answering questions from the diminutive crowd, he demonstrated what government prosecutors, FBI agents, reporters and anyone else who has touched this case has been learning over the past years: that **Alcee** Hastings is a charmer and a born fighter-a supremely political animal.

Since his acquittal he has continued to preside over trials while scrambling to keep up the speaking engagements and community networking through which he rallies support. Most months last year, his schedule shows, he made from five to 10 appearances-for speeches, seminars, awards-covering 16 states over the course of the year. His speech is fiery and frank, full of distinctly nonjudicial epithets, tailored acutely to his audience-not necessarily to what they want to hear, but to what will set their pulses pounding.

He is unapologetically partisan, routinely denouncing President Reagan. "The reason I don't like him doesn't have anything to do with whether he's a likable chap," says Hastings. "He's dumb. And I don't think the president of the United States ... ought to be some dodo." He also goes out of his way to irritate, saying of his fellow judges, "They're worried about me. And I think they're worried about me because I am demonstrating that the job is easy."

Hastings' lawyers like to point out just how partisan, just how irritating their client can be, for they believe that his trial and retrial were politically motivated. In the 21 months **Alcee** Hastings spent on the federal bench before the FBI investigation began, they point out, he amassed a liberal sentencing record, becoming known as "a defendant's judge." And he countermanded the federal government in several major cases-notably in some 1981 rulings halting the mass deportation of Haitian refugees.

Hastings' lawyers conclude their client is the victim of a vengeful Establishment, a man who is being tried, in contravention of the Constitution, by all three branches of government; a man placed in double jeopardy for a crime of which he has already been absolved.

Hastings adds to this brew the potent charge of racism. In 1981, even before his indictment, he predicted "an unfair political trial tinged with notions of racism." After his acquittal, when the two judges' complaint touched off the 11th Circuit inquiry, he continued to charge prejudice: "I think if I was a white United States District Court judge, no two white United States District Court judges would have filed any complaint against me unless they had demonstrable evidence of odious behavior," he told "60 Minutes" in 1985.

Hastings' plaint has been echoed, from the start, in some important parts of the black community. Last year, when the U.S. Judicial Conference voted to refer the case to Congress for possible impeachment, the Congressional Black Caucus issued a statement condemning the move. Conyers was among the members backing the statement, days before the matter was assigned to his subcommittee.

Several of Hastings' accusers-notably Judge Frank M. Johnson Jr. of Alabama, who served on the five-judge panel that first examined the evidence, and John M. Doar, the lawyer who conducted the judges' investigation-have stellar civil rights credentials. Johnson issued some of the most significant integration rulings of the '50s and '60s, beginning with his finding, in 1956, that Rosa Parks had a constitutional right to sit where she pleased on a Montgomery bus. Doar, though perhaps best remembered for his role as counsel to the House Judiciary Committee during the impeachment investigation of President Nixon, worked for years in-and in the mid-'60s headed-the Justice Department's civil rights division, which enforced the legal gains of the civil rights movement.

Hastings' lawyers seem tired of being reminded of these credentials. "I don't believe in the notion of secular sainthood," says one of them, William G. McLain. "I'm not aware that anyone's ever canonized Frank Johnson. I'm not aware that anyone's ever canonized John Doar."

Hastings continues to dismiss the judges of the 11th Circuit as "warlocks" and racists carried away by prim notions of professional sanctity. "I don't expect them to walk up one day and say, 'I'm a racist, and that's why I did it, to get rid of that nigger,' " he told the Fort Lauderdale Sun Sentinel last year. If they are not outright bigots, Hastings says, they are at least a bloodless elite who don't like his politics, his rhetoric or his style.

"I ain't in the club," he snaps. "And goddammit, I don't want to be. It's just that simple."

The Trap Set and Sprung

U.S. v. Hastings was born July 20, 1981, when a character with the

Dickensian name of William Dredge turned up in the office of the U.S. attorney in Miami. Dredge was under indictment in Baltimore for distributing Quaaludes by the thousand. He wanted to avoid jail, and said he had something good to swap: He knew a Washington attorney, he said, who claimed to be able to fix cases in the courtroom of Alcee Hastings.

The attorney was William A. Borders Jr., president of the predominantly black National Bar Association. Borders had raised thousands of dollars for Jimmy Carter in 1976 and 1980, and Carter had appointed him to a panel that selects judges for the District. In 1979, when the Carter administration created a search committee for several new federal judgeships, Borders was consulted on promising minority appointees, and he was one of those who urged the nomination of Hastings, a friend of almost 20 years.

Dredge first alleged that Santo Trafficante, then reputedly Florida's chief organized-crime boss, had agreed to pay $600,000 to Hastings through Borders to fix a racketeering charge. FBI agents were able to observe Borders meeting with Trafficante, but had no way to monitor their conversations. So the bureau, working with the Justice Department, decided on an undercover operation involving two defendants in another case.

Dredge said Borders had asked him to approach Frank and Thomas Romano-brothers convicted of bilking a Teamsters pension fund of several hundred thousand dollars-to solicit a bribe, offering low sentences and the return of nearly $1 million in property that Hastings had ordered them to forfeit. The Romanos had declined to play ball, Dredge said.

To impersonate Frank Romano, the bureau brought out of retirement an agent of roughly the right age and bearing, one H. Paul Rico. Dredge performed the introduction, and Borders took the bait.

The scam, as worked out in a series of meetings between Rico and Borders, was this: "Romano" would pay Borders $25,000 against an eventual total of $150,000, and within 10 days Hastings would order the release of some of the Romanos' forfeited property. At a subsequent meeting, "Romano" would pay Borders the remainder of the money; then, Borders said, the Romanos should drop a pending appeal and instead file a motion for an amended sentence, to which Hastings would respond with an order for probation.

The money was paid Sept. 19 and the property was released Oct. 6-17 days, not 10, after the payoff. "Romano" then arranged to come to Washington on Oct. 9 to pay the remaining $125,000.

"Romano" and Borders met, as agreed, at the Twin Bridges

Marriott in Arlington. In the meantime, Hastings too had come to Washington, for a testimonial dinner to mark the end of Borders' service as head of the National Bar Association; Borders had made Hastings' hotel reservation at the L'Enfant Plaza, and spent the morning with the judge.

When Borders got to "Romano's" room at the Twin Bridges, which the FBI had equipped with filming and recording devices, Borders threw the FBI off balance, proposing-nearly ordering-that Rico/"Romano" get into his car. Rico was wearing a recording device, and FBI cars surrounded Borders' car as soon as the money changed hands. "We're busted," Borders said, over the background noise of sirens.

"I'm afraid so," said Rico.

FBI agents have offered several explanations for why they arrested Borders on the spot-among them, that they feared for Rico's safety. However, Murphy has testified-and other documents have shown-that the bureau intended all along to arrest Borders immediately, because it didn't want to let 125,000 of Uncle Sam's good dollars out of its hands. As agent Murphy told Conyers' subcommittee, "It would be laundered, we felt," and passed on to Hastings later in some form the FBI would not be able to trace.

The immediate arrest forced the government to go to court with a strictly circumstantial case, to which Hastings responded with the defense he maintains to this day: that William Borders was indeed conspiring to solicit bribes in Hastings' courtroom, but without the judge's knowledge.

No one ever found any dirty money in Hastings' possession. The FBI found no signs that his life style was out of the ordinary for a man earning, in 1981, $70,300 a year.

Borders was swiftly convicted March 29, 1982, and sentenced to five years in jail and a $35,000 fine. But Hastings, after a separate three-week trial, was acquitted. The jury of six men and six women, after deliberating 17 1/2 hours, concluded that the government had not established Hastings' guilt beyond a reasonable doubt. [Related story this page.]

Borders returned to Washington after 33 months in Allenwood Penitentiary. The only man who could conclusively clear or implicate Alcee Hastings, he has declined, to this day, to testify.

Getting to the Bench

Where he came from, where he got to. Each lends resonance to the

other, and it is hard to know which drives him harder: that Alcee Hastings was Florida's first black federal judge or that Al Hastings, only child of Julius and Mildred Hastings, both domestic servants, was the first person in his immediate family to finish high school.

He describes his childhood in Altamonte Springs, a resort and farming community about 10 miles north of Orlando, where "our folk," in Hastings' phrase, worked in the great hotels-the Altamonte and the Longwood-or in the fields, tending celery, oranges, grapefruit, tangerines.

It was, he says, a place so closely knit that a boy playing hooky would be questioned by the town's wino about why he was out of school. He read from secondhand schoolbooks at a segregated elementary school-the first "Negro" school built in Florida by the Rosenwald Fund, the leading white philanthropy for the benefit of blacks in the Jim Crow South.

"I might add, busing worked in those days," he says with a hard laugh. Come high school, "I went 30 miles going and 30 miles coming every day, past three white schools."

His parents, by then, had left for New York-they would eventually go to California-to work as live-in servants. Alcee stayed behind in Florida with his maternal grandmother as his parents earned the money that bought him books, a chance to see something of the world, eventually a college education.

He went to Fisk University in Nashville, where he majored in zoology, and then-abandoning thoughts of medical school because of money-to Howard Law School. "I don't think I really came into my own until I went to law school here in Washington," he says, "in terms of being genuinely of a mind that I was a cut above."

He was kicked out of Howard, however, after earning an F in one course for two consecutive terms. Citing "lack of seriousness of purpose," the school asked him to leave.

"Nobody ever thought he was an F student," says Herbert O. Reid, one of Hastings' Howard professors and now counsel to Mayor Marion Barry. "We thought the attractions in the city had just been too much for him-too much glitter."

So Hastings finished law school at Florida A&M, passed the Florida bar and went into practice in 1964 in Fort Lauderdale-first with a high school friend, then on his own. He quickly established that he loved two things, neither of which made much money: indigent clients and running for office. Beyond the poor and lower-middle-class clients who couldn't pay much for a lawyer, he

represented a number of public interest and civil rights clients, such as the local NAACP.

Beginning in 1965, he ran twice for the city commission, then twice for the Florida House of Representatives, then for the Florida Senate. In 1970 he ran for the U.S. Senate as the first black aspirant to statewide office, and in 1974 for the state Public Service Commission. He ran seven races altogether, "and I never won any," he says, "but I feel like I won them all ... And the only reason I lost them was the fact that I was black."

Along the way he was twice married and twice divorced, and had one son, Alcee L. Hastings Jr., now a college student.

Hastings may be the only lawyer in America ever to state that he became a judge for the money. After 14 years of private practice, he was tired of living hand to mouth. Reubin Askew's decision in 1977 to appoint him a Broward County circuit court judge was a welcome change. Two years later, says Hastings, "I wanted to become a federal judge because it paid more than being a state court judge."

He has said that the only way he would step down from the bench is if the U.S. Judicial Conference would vote to continue paying him his current annual salary of $89,500.

"I've got to make a living and I earned a right to be here," he says, "but I'm not one of those people who finds the law a jealous mistress. The law is no mistress of mine! ... It's just a system to keep the status quo. And keeping the status quo means that the rich get richer and the poor get poorer. You understand?"

The Status of the Office

Perched on a chair in his lawyer's office, talking melodiously about the past, Hastings wears the symbol of Pierre Cardin on each ankle, the name of Dior over his shirt pocket.

"The one thing that I knew I wanted to do," he is saying, "was the one thing that my dad would say to me all the time, and that is to be your own boss man.

"It came out of the work he did. It was always menial. He was always working for somebody, and somebody could always yank his chain."

Suddenly, talking all the while, Hastings reaches into his back pocket and extracts a black leather wallet. "My friends marvel," he is saying, "at how I manage-" He breaks off to pry his credit cards out of the wallet; they fill several compartments. Assembling them

in a stack as thick as his wrist, he extends them for examination.

"All these credit cards are very dear to me," he continues. "And I'm not doing this with braggadocio, but all of 'em are very dear to me. And the reason they are is because I. Pay. My. Bills."

In the pile are four American Express cards representing three separate accounts: a standard green-colored card, a gold card, a platinum card and the new Optima card, which allows the holder to maintain a balance instead of paying the full amount owed every month; three MasterCards-two of them gold cards, on separate banks; three Visa cards-again, two of them gold cards on separate banks; a Diners Club card; a Carte Blanche; and three membership cards in various airlines' frequent-flier clubs.

"Most people wouldn't even dare to do that," he says, gesturing at the four American Express cards. He points out the dates embossed on the Diners Club and Carte Blanche cards, indicating that Alcee Hastings has been a "MEMBER SINCE" '64 and '67, respectively. "I had to fight to get that card," he says of the Carte Blanche. "I literally had to fight to get it, and I will die to keep it ... And I'm real proud of being able to stabilize myself like that. And you see, you could take this-any few of those right there, and I could run up-if I was moving around the world, I could run up a million dollars on those credit cards in nothing flat." He snaps his fingers fast for emphasis. "If I was moving around the world real fast, if you know what I mean."

He is at his most intense, most unself-conscious, now that he has struck this rich vein of monologue. Embroiled in a seven-year case that is essentially about greed, he seems helpless to stop talking about money, simply to prove-what?

"It may be difficult for you to be mindful of the fact that blacks couldn't have bank accounts in the '40s. They couldn't even go in the bank. Okay?" he says. "And so our money, if we saved it, was saved in socks, cans, and at the post office, with no interest ... I want to make it very clear to you, I [showed you the credit cards] to highlight that my dad would be very proud of me for not having botched any of these."

"... I [pay my bills] myself; I don't have any secretary doing that," he says. Suddenly he reverses direction. "And that's not out of pride at my spending. I don't spend a lot; it pissed me off when [the prosecutor] wanted to call me a jet-setter." And, reversing again, he reaches a fever pitch. "HE'S GODDAM RIGHT I WAS A JET-SETTER! I'm a jet-setter because I earned the right to luxuriate, and I know how to protect my interests ... and I was able because I knew how to manage the little bit of money that I had

better than most people do and did at a given time. And again, I credit my family with-"

He stops, catches himself: "-not being penny-pinching. I'm not cheap. I'm not cheap at all."

The Winding Down

Few people beyond Hastings and his lawyers contend that Hastings is being subjected in the legal sense to double jeopardy. The principle is well established in law that impeachment is different from a criminal proceeding, undertaken to serve different ends. The point of a criminal prosecution is determining the innocence or guilt-and possible punishment-of an individual; the point of an impeachment is the sanctity-and protection-of an institution. The trial standard of guilt "beyond a reasonable doubt" is supplanted by a lesser standard of "clear and convincing evidence."

Impeachment is, however, a partly political process, and Rep. Conyers gaveled the Hastings hearings to order with this reminder:,
"Now this case is troubling for two reasons. I want to be very forthright in this hearing. First of all, we have an acquitted judge who is now before us, and secondly, we have a black leader who is the first black [federal] judge to be appointed in the state of Florida."

These facts, together with the Justice Department's decision not to prosecute Hastings over the 1985 wiretap leak, may make impeachmen
proceedings a hard sell. Even if the subcommittee finds "clear and convincing evidence" that Hastings committed one or more impeachable offenses, one fact will follow the case into the full Judiciary Committee, onto the House floor, over to the Senate: There is no political constituency clamoring for the impeachment of a popular, liberal black judge who was acquitted by a jury. By contrast U.S. District Court Judge Harry E. Claiborne, who in 1986 became the first federal judge in 50 years to be impeached, was a convicted tax dodger, brought to the Senate floor from a federal penitentiary.

Nonetheless, subcommittee members have promised a vote on the merits. "We didn't ask for this case," said ranking minority member George Gekas (R-Pa.) in an interview, "but it's in front of us. Regardless of the passage of time. Regardless of the personalities involved. Regardless of the racial element ... We have to deal with it."

However they deal with it, Alcee Hastings, who has escaped so many tight spots over such an improbable time, will take comfort from the lessons of his heroes: his mother, his father, Socrates ("for being just clear as a bell about humanity and how a system can do

people in, and his unwillingness to relent to it"), Sojourner Truth, Nat Turner.

There are more, but the most arresting is near the top of the list. In second place, right after Jesus Christ, is Harry Houdini.

TABULAR OR GRAPHIC MATERIAL SET FORTH IN THIS DOCUMENT IS NOT DISPLAYABLE

PHOTO,,Bill Snead
Caption: Judge Alcee Hastings in Washington.
Caption: Judge Alcee Hastings, left, with his attorney Terence Anderson during FBI Agent William Murphy Jr.'s testimony. Caption: John M. Doar.
Caption: William A. Borders Jr.
Caption: Frank M. Johnston Jr.
Caption: Judge Alcee Hastings with attorney Terence Anderson during his impeachment inquiry.

---- INDEX REFERENCES ----

NAMED PERSON: ALCEE HASTINGS; WILLIAM J. MURPHY JR.; JOHN CONYERS; FRANK ROMANO; H. PAUL RICO; WILLIAM A. BORDERS JR.; FRANK M. JOHNSON JR.; JOHN M. DOAR

KEY WORDS: SUBJECTS: FEDERAL COURTS; JUDGES; UNITED STATES; BLACK; RACIAL DISCRIMINATION; FLORIDA; RAIDS AND STING OPERATIONS; BRIBERY; ETHICS

NEWS SUBJECT: LAW & LEGAL ISSUES; LAW ENFORCEMENT (LAW LEN)

NEWS CATEGORY: BIOGRAPHY; PROFILE

REGION: FLORIDA; NORTH AMERICA (FL NME)

EDITION: FINAL

Word Count: 4174
7/7/88 WASHPOST C01
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Boston Herald
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Monday, August 4, 1997

NEWS

# Ex-FBI man to testify at Mob trial

RALPH RANALLI

Part one of two-part series

The smooth-talking former agent who forged the FBI's bond with gangsters James "Whitey" Bulger and Stephen Flemmi will be in the eye of a very public storm at hearings scheduled this month, but he is no stranger to intrigue.

Belmont native H. Paul Rico helped solve the most famous bank robbery of all time, "flipped" some of the FBI's most famous and controversial Mob snitches, came out of retirement to sting a federal judge for bribery and was questioned in the still-unsolved murder of his private-sector boss.

More than three decades ago, the young FBI agent met Bulger and Flemmi, two young, up-and-coming gangsters, while hunting bank robbers for the FBI's Boston Office. In particular, FBI documents obtained by the Herald state that Rico met Flemmi in the early 1960s while investigating the robbery of a Shawmut Bank branch on State Street.

Only Rico, Flemmi and Bulger know exactly how the agent convinced the two gangsters to join forces with the FBI against the Italian Mob - though Rico's reputation for sweet-talking tough guys into the FBI fold is legendary.

"He was always a very knowlegable, streetwise guy who had an incredible stable of informants," one longtime Boston lawyer who knows Rico said. "He was always the lead guy in everything he did - very forceful, very smart."

Much has been made of the connection between Bulger, Flemmi and Special Agent John Connolly. But numerous sources say Connolly inherited and consolidated a relationship masterminded and nurtured by Rico and his partner, Dennis Condon, who would later become the state's Public Safety Commissioner.

Whether that relationship went too far will be one of the topics at hearings scheduled in front of U.S. District Court Judge

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Mark L. Wolf.

In May, Wolf ruled that defense lawyers Anthony Cardinale and John Mitchell had made a "substantial" showing of possible government misconduct in the handling of informants and wiretaps. Rico is expected to be called as one of the witnesses.

The hearings may be postponed, however, due to the sheer volume of material documenting the FBI's informant relationships. Federal prosecutors Fred Wyshak and Brian Kelly have already asked for and received a two-week extension.

Rico was born in Belmont in the 1920s, the son of an Irish mother and Spanish father who worked for New England Telephone. His Spanish roots give him a Mediterranean look that is often mistaken for an Italian - an impression Rico sometimes used to his advantage when schmoozing wiseguys, sources say.

He graduated from Boston College in 1950 with a history degree, then joined the FBI and was posted in Chicago. He soon transferred back to the Boston office when his father became terminally ill.

That was when the young agent worked on the first of his big cases - and when he may have learned the value of informants.

The $2.7 million "Brink's Job" on Jan. 17, 1950, was - and perhaps still is - the most famous stickup of all time. But by late 1955, the case was still unsolved and the end of the six-year state statute was looming. The FBI was saved from failure by one of the robbers, Joseph "Specs" O'Keefe.

Angry that his share of the loot had been stolen, O'Keefe began cooperating with FBI agent John F. "Jack" Kehoe. O'Keefe's cooperation broke the case and made Kehoe famous. Sources said Kehoe worked with both Rico and Condon before retiring.

Rico and Condon became a team, but it was Rico who had the gift of gab that allowed him to recruit informants, sources said.

"If informants are the currency of the FBI, then Rico was an earner," one law enforcement source said.

Rico's first contacts with Flemmi and Bulger began what the FBI has admitted was a decades-long relationship.

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Rico and Condon also handled Joseph "The Animal" Barboza, one of Massachusetts' most prolific killers who later became a controversial FBI witness during the 1960s.

Rico retired from the FBI in 1975 to become head of security for World Jai Alai, a Miami-based sports gambling company.

Five years later, he came out of retirement to pose as a mafioso in an FBI "sting" of U.S. District Court Judge Alcee Hastings of Florida. Allegedly false testimony in the Hastings case has now become part of the FBI laboratory scandal, although none of the allegations involve Rico's participation.

Rico was interviewed as part of the investigation into World Jai Alai owner Roger Wheeler's 1981 murder. FBI documents indicate that he told investigators he had no idea who might have killed his boss or why.

Part two tomorrow: How Rico and friends convinced a Mob hitman to become a snitch.

Photo Caption: H. PAUL RICO; Smooth talker

Word Count: 785

8/4/97 BOSTONH 004

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FD-583a (Rev. 5-13-81)

Federal Bureau of Investigation
EVALUATION PAGE
(Refer to Administrator's Manual for Performance Appraisal
for instructions regarding the use of this form.)

JOHN M. MORRIS — [redacted]
Payroll Name of Employee — Social Security Number

Comment below on actual performance to justify the adjective rating level for each element. Use additional pages as necessary.

Critical Element # 3 as listed on the Performance Plan — Effective Dates 7/7/81 to 6/30/82 — Adjective Rating EXCEPTIONAL

Supv. Morris' greatest strength is in the area of Program Resource Management, where he strategically has identified, analyzed, and defined priority problems regarding Organized Crime investigations. He independently cites goals and objectives, and meticulously follows up on controls through a well defined retrieval system which has enabled him to achieve set objectives in the Organized Crime Program. He has independently, and with minimal overall program management applied resources in the most efficient and effective manner clearly consistent with stated priorities. This independently developed long range strategy has had a devastating impact on the LCN in Massachusetts with imminent results expected following Federal Grand Jury action in August of 1982. His priorities are fully consistent with the stated national priorities of the Bureau's overall Organized Crime Program. His investigative process of problem identification, diversion, and strategy to deal with Organized Crime in New England has proven to be exceptional and highly successful. It is also considered by the Organized Crime Section, FBIHQ, to be one of the most aggressive and effective programs in the Bureau. 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 in the New England Area, even in the United States in recent history.

Critical Element # ___ as listed on the Performance Plan — Effective Dates ___ to ___ Adjective Rating ___

Signature of Employee

FD-583a (Rev. 5-13-81)

FD-593b (Rev. 8-24-81)

Federal Bureau of Investigation

SIGNATURE PAGE

[Refer to Administrator's Manual for Performance Appraisal for instructions regarding the use of this form.]

JOHN M. NORRIS — [redacted]
Payroll Name of Employee — Social Security Number

This is a complete appraisal of the above employee's performance while under my supervision.

Signature of Rating Official — 7/14/82 Date

Comments of Employee-Right to Respond (Optional)

☐ do ☒ do not wish to respond to this appraisal as prepared by my rating official.

Initials of Employee — 7/15/82 Date

I am aware that my overall performance below the Fully Successful level as reflected in this appraisal may be the basis for the denial of my within-grade increase (WIGI)/step increase and could also preclude me from consideration for promotion, administrative advancement, and/or ofrer of preference transfer.

Initials of Employee

APPLICABLE TO EMPLOYEES IN A TWO/THREE YEAR WAITING PERIOD FOR WIGI/STEP INCREASES AND/OR PROMOTIONS

I am aware that my overall performance below the Fully Successful level in previous annual appraisal(s) _____ (indicate year(s)) may be the basis for the denial of my WIGI/step increase and/or promotion.

Initials of Employee

Comments of Reviewing Official

Signature of Reviewing Official — 7/15/82 Date

I have reviewed the comments of my reviewing official with respect to my comments (above) and/or any adjustments he/she made to this performance appraisal. I ☐ do ☐ do not wish to respond to this appraisal as adjusted by my reviewing official.

Date

FD-493e (Rev. 5-13-81)

Federal Bureau of Investigation
PERSONNEL DATA PAGE
(Refer to Administrator's Manual for Performance Appraisal for instructions regarding the use of this form.)

JOHN M. MORRIS
Payroll Name of Employee

[redacted]
Social Security Number

1. Specify general nature of assignment during most of the appraisal period for Agent personnel (such as FCI, criminal, applicant, accountant, Resident Agent, supervisor, instructor, etc.); for support personnel (such as typing, stenography, secretarial, radio operating, translating, etc.).

Supervisory Special Agent

2. Is employee available wherever needs of service require for general assignment? X Yes ____ No (If No, explain briefly.)

3. Special Assignment X Yes ____ No (If No, explain briefly.)

4. Is employee physically fit to perform full range of duties within current position including raids and dangerous assignments? X Yes ____ No (If No, explain briefly.)

5. Firearms - Indicate if X qualified instructor and/or ____ expert.

6. Is employee qualified to operate a motor vehicle incidental to official duties? ____ No X Yes (If Yes, personnel file must reflect the following: [a] Has valid state or local operator's license for type to be used [b] Is physically fit to drive [c] Past safe driving record OK or has passed Bureau road test.)

7. Foreign Language - Entered on duty under Bureau Language Program ____ No X Yes (If Yes, specify language(s).)

8. Completed Bureau Language School X No ____ Yes (If Yes, specify language[s].)

9. Frequency of use (daily, weekly, monthly, less often) in the following language(s):

Anticipated use during ensuing year.

10. Administrative Advancement - (Agents only)
a. ____ Not interested (If this space is checked, ignore b, c, and d.)
b. ____ Yes X No - Agent is completely available for administrative advancement.
c. X Yes ____ No - Agent performs full range of responsibilities in current job and is qualified for administrative advancement.
d. Explain if interested but not now qualified or not available.

Due to personal reasons, SA Morris is not available for transfer per Boston letter to FBIHQ, 12/22/80.

e. ____ Yes ____ No - Agent should update his/her Career Development Summary. (If Yes, instruct Agent to submit current FD-477. If Agent has less than 10 years of service [as an Agent], this form must be executed if three years have elapsed since last submission.)

11. Number of Incentive Awards 0.
Commendations received from Director 0; through Supervisor 0.
Commendations received from Supervisor. 0
Suggestions submitted. 0
If none, check here X

Initials of Employee

FBI-BOGR-000001877

FD-568 (Rev. 5-13-83)

**Federal Bureau of Investigation**

PERFORMANCE PLAN

(Refer to Administrator's Manual for Performance Appraisal for instructions regarding the use of this form.)

| John M. Morris | [redacted] | Boston |
|---|---|---|
| Payroll Name of Employee | Social Security Number | Office of Assignment |

Supervisory Special Agent GS 1811 14 7S-FD-713

Position, Title, Grade and Number

Critical Element # 1 Effective Dates 7/7/81 to 6/30/82

Supervision of Subordinates: Provides day-to-day direct supervision of subordinates toward accomplishmen of organizational mission and operating entity squad's goals and objectives regarding Organized Crime. Evaluates and develops individual Agent capabilities to perform assigned duties. Promotes subordinates' morale and esprit de corps for work by supervision. Assures compliance with all rules and regulations including those pertaining to EEO and affirmative action.

**Performance Standards**

| Minimally Acceptable | Fully Successful | Superior |
|---|---|---|
| Directs, observes, evaluates and corrects activities of each subordinate only on an occasional basis. Formally reviews their performance on a quarterly basis and provides feedback (positive and negative) to the subordinates on their accomplishments regarding Organized Crime. | Directs, observes, evaluates, and corrects activities of each subordinate on a continuing basis. Formally reviews their performance but only on a personal basis that exceeds routine correction of unacceptable work performance in Organized Crime investigations. | Provides individual attention to each subordinate, to the extent limited only by responsibility to other investigative administrative functions, to develop that employee's performance level to the extent it exceeds the average expectations. In accordance with standard procedures, directs, observes, evaluates, and corrects activities of each subordinate on a quarterly basis regarding Organized Crime investigations. |

I have been advised of my critical element and performance standards for the forthcoming appraisal period and am aware that performance below the Fully Successful level may preclude me from consideration for a within-grade/step increase, promotion, administrative advancement, and/or office of preference transfer. My signature does not constitute agreement with the element and standards nor does it void my right to grieve them.

Signature of Employee — Date 9/9/81

The above critical element and performance standards are consistent with the position description of the employee and are in furtherance of the mission and goals of the FBI.

Signature of Rating Official — THREE — Date 9/9/81

FBI/DOJ

2649

SUBJECT TO PROTECTIVE ORDER

FD-330 (Rev. 5-13-81)

Federal Bureau of Investigation

PERFORMANCE PLAN

(Refer to Administrator's Manual for Performance Appraisal for instructions regarding the use of this form.)

| John M. Morris | [redacted] | Boston |
|---|---|---|
| Payroll Name of Employee | Social Security Number | Office of Assignment |

Supervisory Special Agent GS 1811 14 78-FD-719

Position Title, Grade and Number

Critical Element # 2 Effective Dates 7/7/81 to 6/30/82

Liaison: Represents self at all levels of contact as a professional, through positive attitudes, appearance and demeanor; this includes but is not limited to liaison or dialogue with the U. S. Attorney's Office to establish and maintain coordination of and support for investigations, and effective and timely prosecutive consideration for complex matters regarding Organized Crime investigations.

| Performance Standards | | |
|---|---|---|
| Minimally Acceptable | Fully Successful | Superior |
| Develops and maintains significant contacts with representatives of outside agencies and the general public to exchange work related information regarding Organized Crime investigations. | On own initiative, continually develops new external contacts and retains effective rapport with those established previously. Manners and procedures for developing rapport with external contacts regarding Organized Crime often serves as a model to other FBI personnel engaged in such work. | On own initiative, continually develops new external contacts and retains effective rapport with those established previously. Works so effectively with these contacts that he often persuades them to accept FBI methods and preferences regarding Organized Crime. |

I have been advised of my critical elements and performance standards for the forthcoming appraisal period and am aware that performance below the Fully Successful level may preclude me from consideration for a within-grade/step increase, promotion, administrative advancement, and/or office of preference transfer. My signature does not constitute agreement with the element and standards nor does it void my right to grieve them.

Signature of Employee — Date 9/9/81

The above critical element and performance standards are consistent with the position description of the employee and are in furtherance of the mission and goals of the FBI.

Signature of Rating Official — Date 9/9/81

THREE

2650

Federal Bureau of Investigation

PERFORMANCE PLAN

(Refer to Administrator's Manual for Performance Appraisal for instructions regarding the use of this form.)

| John M. Morris | [redacted] | Boston |
|---|---|---|
| Payroll Name of Employee | Social Security Number | Office of Assignment |

Supervisory Special Agent GS 1811 14 78-FD-713

Position, Title, Grade and Number

Critical Element # 3 : Effective Dates 7/7/81 to 6/30/82

Program/Resource Management; Identifies, analyzes, and defines problems regarding Organized Crime investigations. Plans actions to determine area where investigation most needed to cover FBI jurisdictic Organizes work to utilize time, equipment, and employees' skills to accomplish objectives. Directs and allocates additional resources in major or special case situations occurring outside normally assigned responsibilities.

| Performance Standards | | |
|---|---|---|
| Minimally Acceptable | Fully Successful | Superior |
| With general direction, adequately applies resources (manpower and materials) based upon stated squad priorities; sets objectives and controls assigned programs to assure they are conducted in accordance with FBI and DOJ policies and guidelines with regard to Organized Crime. | With limited direction, effectively applies resources (manpower and materials) based upon stated squad priorities; sets objectives and controls assigned programs to assure they are conducted in accordance with FBI and DOJ policies and guidelines regarding Organized Crime. | Independently, applies resources in an effective manner which is always consistent with stated squad priorities; sets objectives and controls assigned programs to assure they are conducted in accordance with FBI and DOJ polic and guidelines with regard to Organized Crime. |

I have been advised of my critical element and performance standards for the forthcoming appraisal period and am aware that performance below the Fully Successful level may preclude me from consideration for a within-grade/step increase, promotion, administrative advancement, and/or office of preference transfer. My signature does not constitute agreement with the element and standards nor does it void my right to grieve them.

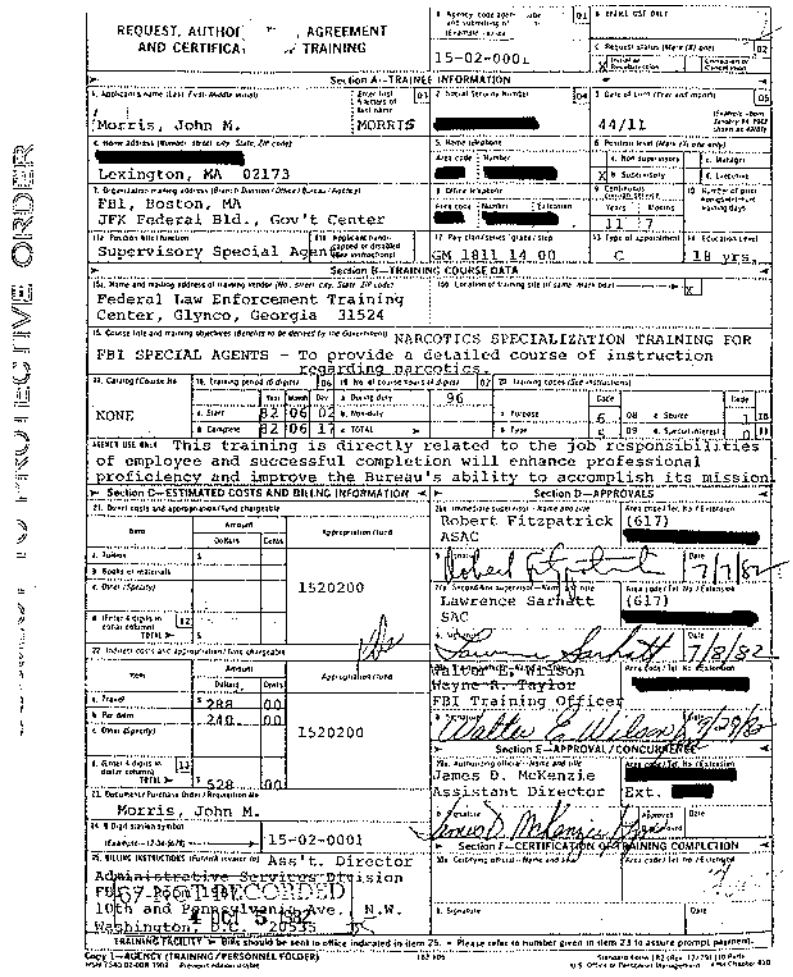
Signature of Employee — Date

The above critical element and performance standards are consistent with the position description of the employee and are in furtherance of the mission and goals of the FBI.

Signature of Rating Official — Date

THREE

FBI/DOJ



REQUEST, AUTHO[illegible], AGREEMENT AND CERTIFICA[illegible] TRAINING

15-02-0001

Section A—TRAINEE INFORMATION

1. Applicant's Name (Last, First, Middle Initial): Morris, John M.
2. Enter first 4 letters of last name: MORRIS
3. Social Security Number: [redacted]
4. Date of Birth (Year and month): 44/11
5. Home address (Number, street, city, State, ZIP code): [redacted] Lexington, MA 02173
6. Position level (Mark (X) one only): X Supervisory
7. Organization mailing address (Branch, Division, Office, Bureau, Agency): FBI, Boston, MA JFK Federal Bld., Gov't Center
8. Office telephone: [redacted]
9. Continuous Federal Service: Years 11 Months 7
10. Number of prior appropriate-level training days
11. Position title/function: Supervisory Special Agent
12. Pay class/series/grade/step: GM 1811 14 00
13. Type of appointment: C
14. Education level: 18 yrs.

Section B—TRAINING COURSE DATA

15. Name and mailing address of training vendor (No., street, city, State, ZIP code): Federal Law Enforcement Training Center, Glynco, Georgia 31524
16. Location of training site (if same, mark box): X

17. Course title and training objectives (Benefits to be derived by the Government): NARCOTICS SPECIALIZATION TRAINING FOR FBI SPECIAL AGENTS - To provide a detailed course of instruction regarding narcotics.

18. Training period (6 digits): Year Month Day — a. Start 82 06 02; b. Complete 82 06 17
19. No. of course hours (4 digits): a. During duty 96; b. Non-duty; c. TOTAL
20. Training codes (See instructions): a. Purpose 6; b. Type 5; c. Source 1; d. Supervisory 0

AGENCY USE ONLY: This training is directly related to the job responsibilities of employee and successful completion will enhance professional proficiency and improve the Bureau's ability to accomplish its mission.

Section C—ESTIMATED COSTS AND BILLING INFORMATION

21. Direct costs and appropriation/fund chargeable

| Item | Amount Dollars | Amount Cents | Appropriation/fund |
|---|---|---|---|
| a. Tuition | $ | | 1520200 |
| b. Books or materials | | | |
| c. Other (Specify) | | | |
| d. (Enter 4 digits in dollar column) TOTAL | $ | | |

22. Indirect costs and appropriation/fund chargeable

| Item | Amount Dollars | Amount Cents | Appropriation/fund |
|---|---|---|---|
| a. Travel | $ 288 | 00 | 1520200 |
| b. Per diem | 240 | 00 | |
| c. Other (Specify) | | | |
| d. (Enter 4 digits in dollar column) TOTAL | $ 528 | 00 | |

23. Document Purchase Order/Requisition #: Morris, John M.
24. 9 Digit station symbol (Example—12-34-56/9): 15-02-0001
25. BILLING INSTRUCTIONS (Furnish invoice to): Ass't. Director Administrative Services Division FBI, Room 1987 10th and Pennsylvania Ave., N.W. Washington, D.C. 20535

Section D—APPROVALS

26a. Immediate supervisor—Name and title: Robert Fitzpatrick ASAC — Area code/Tel. No./Extension: (617) [redacted]
Date: 7/7/82
26b. Second-line supervisor—Name and title: Lawrence Sarhatt SAC — Area code/Tel. No./Extension: (617) [redacted]
Date: 7/8/82
27. Training officer—Name and title: Walter E. Wilson, Wayne A. Taylor, FBI Training Officer — Area code/Tel. No./Extension: [redacted]
Date: 7/29/82

Section E—APPROVAL/CONCURRENCE

28a. Authorizing official—Name and title: James D. McKenzie, Assistant Director — Area code/Tel. No./Extension: [redacted] Ext. [redacted]
Date: 7/29/82

Section F—CERTIFICATION OF TRAINING COMPLETION

30a. Certifying official—Name and title: — Area code/Tel. No./Extension:
Date:

TRAINING FACILITY ▶ Bills should be sent to office indicated in item 25. ▶ Please refer to number given in item 23 to assure prompt payment.

Copy 1—AGENCY (TRAINING/PERSONNEL FOLDER) 182-105 Standard form 182 (Rev. 12/75) (10 Parts) U.S. Office of Personnel Management 4 FPM Chapter 410

SUBJECT TO PROTECTIVE ORDER

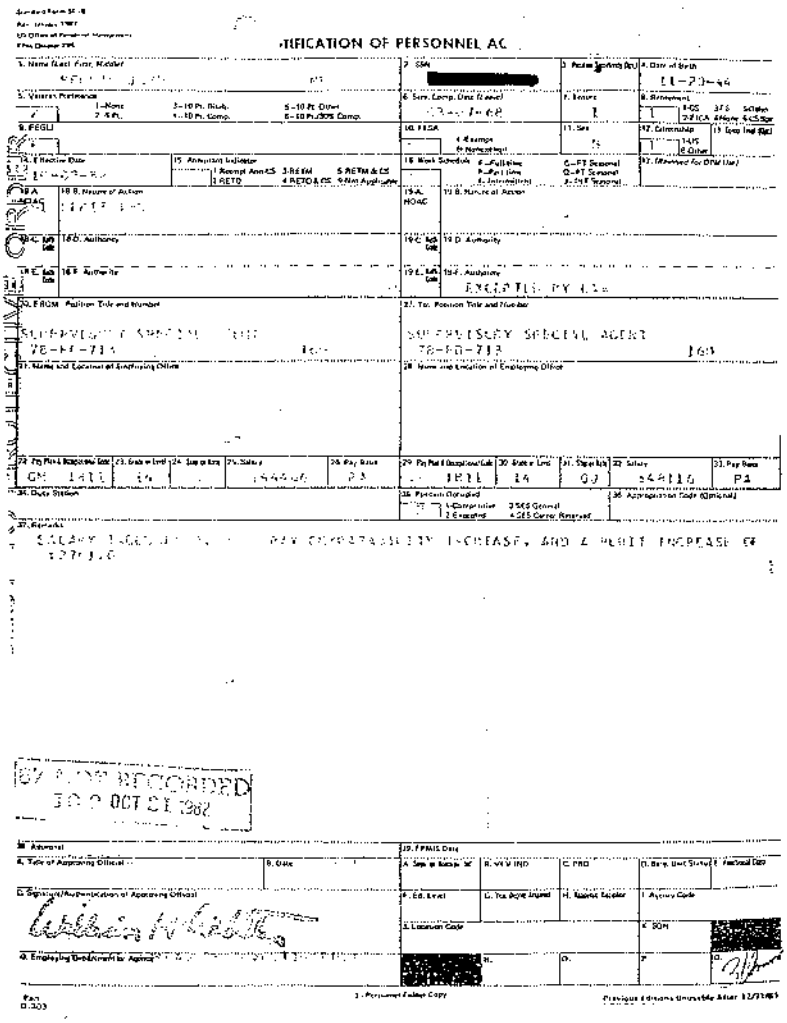
RECORDED 4 OCT 5 1982

NOTE: This agree[illegible] signed by the nominee for all non[illegible] training that exceeds 80 hours (or such oth[illegible] period, 80 hours or less, as prescr[illegible] by [illegible] agency) and for which the Government appro[illegible] of training costs prior to the com[illegible] of such training. Nothing contained in Section G below shall be construed as limiting the authority of an agency to waive, in whole or in part, an obligation of an employee to pay expenses incurred by the Government in connection with the training.

## Section G—EMPLOYEE'S AGREEMENT TO CONTINUE IN SERVICE

1. I AGREE that, upon completion of the Government-sponsored training described in this request, if I receive salary covering the training period, I will serve in the agency three times the length of the training period. If I receive no salary during the training period, I agree to serve the agency for a period equal to the length of training, but in no case less than one month. (The length of part-time training is the number of hours spent in class or with the instructor. The length of full-time training is eight hours for each day of training, up to a maximum of 40 hours a week). NOTE: For the purposes of this agreement, the term "agency" refers to the employing organization (such as an Executive Department or independent establishment), not to a segment of such an organization.
2. If I voluntarily leave the agency before completing the period of service agreed to in item 1 above, I AGREE to reimburse the agency for the tuition and related fees, travel and other special expenses (EXCLUDING SALARY) paid in connection with my training. These amounts are reflected in items 21 and 22.
3. I FURTHER AGREE that, if I voluntarily leave the agency to enter the service of another Federal agency or other organization in any branch of the Government before completing the period of service agreed to in item 1 above, I will give my organization written notice of at least ten work days, during which time a determination concerning reimbursement will be made. If I fail to give this advance notice, I AGREE to pay the amount of additional expenses (5 U.S.C. 4109(a)(2)) incurred by the Government in this training.
4. I understand that any amounts which may be due the agency as a result of any failure on my part to meet the terms of this agreement may be withheld from any monies owed me by the Government, or may be recovered by such other methods as are approved by law.
5. I FURTHER AGREE to obtain approval from my organization training officer and that person responsible for authorizing non-government training requests of any proposed change in my approved training program involving course and schedule changes, withdrawals or incompletions, and increased costs.
6. I acknowledge that this agreement does not in any way commit the Government to continue my employment. I understand that, if there is a transfer of my service obligation to another Federal agency or other organization in any branch of the Government, the agreements in items 1, 2, and 3 of this section will remain in effect until I have completed my obligated service with that other agency or organization.

| | |
|---|---|
| 31 Period of obligated service<br>(For non-government training only) | |
| 32 Employee's signature<br>John M. [illegible] | Date<br>7/8/82 |



TIFICATION OF PERSONNEL AC

1. Name (Last, First, Middle)

2. SSN [redacted]

3. Pecuniary Pos.

4. Date of Birth 11-20-44

5. Veteran Preference 1-None 3-10 Pt. Disab. 5-10 Pt. Other 2-5 Pt. 4-10 Pt. Comp. 6-10 Pt./30% Comp.

6. Serv. Comp. Date (Leave)

7. Tenure 1

8. Retirement 1-CS 3-FS 2-FICA 4-None 5-CS Spec

9. FEGLI

10. FEDA 4-Exempt 5-Nonsupervisor

11. Sex

12. Calendar Day

13. Pay Rate Det. 1-FLSA 2-Other

14. Effective Date

15. Annuitant Indicator 1-Receipt Anno 3-REEM 5-RETM & DE 2-RETD 4-RETD & DE 6-Not Applicable

16. Work Schedule 4-Full-time 5-Part-time 6-Intermittent 6-PT Seasonal 7-INT Seasonal 8-INT Seasonal

17. (Reserved for Other Use)

18-A. NOAC

18-B. Nature of Action

19-A. NOAC

19-B. Nature of Action

18-C. Auth. Code

18-D. Authority

19-C. Auth. Code

19-D. Authority

18-E. Auth. Code

18-F. Authority

19-E. Auth. Code

19-F. Authority EXCEPTED PY 4.2a

20. FROM: Position Title and Number

SUPERVISORY SPECIAL AGENT

76-HH-713

21. To: Position Title and Number

SUPERVISORY SPECIAL AGENT

76-HQ-713

1811

22. Name and Location of Employing Office

23. Grade Level

24. Step or Rate

25. Salary

26. Pay Basis

27. Pay Plan | Occupational Code

28. Grade Level

29. Step or Rate

30. Salary

31. Pay Basis

GM 1811 14 [illegible] PA

32. Duty Station

33. Pay Basis PA

34. Position Occupied 1-Competitive 2-Excepted 3-SES General 4-SES Career Reserved

35. Appropriation Code (Optional)

36. Remarks

SALARY LIMITATION. PAY COMPARABILITY INCREASE, AND A MERIT INCREASE OF [illegible]

[illegible] RECORDED

30 ? OCT 25 1982

37. Approved

38. Title of Approving Official

39. Date

40. Signature/Authentication of Approving Official

41. Employing Department or Agency

42. FPMIS Date

A. Sep or Retire Elig

B. VA Pref IND

C. PRD

D. Retire Plan

E. Service Comp Date

F. Tenure

G. Ed. Level

H. Appt Authority

I. Agency Code

J. Location Code

K. SOC

L.

M.

N.

O.

P.

Q.

1 - Permanent Folder Copy

Previous Editions Unusable After 12/31/83

Boston Herald
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Monday, December 11, 2000

NEWS

# Whitey gang victims may be buried in Canada, Woman says agent knew about dad's murder

JONATHAN WELLS, JACK MEYERS and MAGGIE MULVIHILL

The daughter of a South Boston man listed as missing for the past 20 years believes her father was murdered by a criminal associate of James J. "Whitey" Bulger and Stephen "The Rifleman" Flemmi and buried in what may be a Mob graveyard in Nova Scotia.

And she also believes former FBI agent John J. Connolly Jr., who handled Bulger and Flemmi as top level FBI informants, knew about her father's execution, but has covered it up for two decades.

Elizabeth Conrad Parent, 43, the daughter of South Boston bartender Kenneth R. "Bobby" Conrad, said in a series of recent interviews that she discussed her father's disappearance with Connolly in 1981 and that the FBI agent told her then that he had been murdered.

In a later conversation, Parent said Connolly disclosed that "a lot of bodies" are buried along with her father in Nova Scotia.

According to Parent, Connolly said her father was stabbed to death in Nova Scotia by a Boston gangster named Louis R. Litif and buried on Litif's property in the Canadian province.

Parent, recalling her conversation with Connolly, said when she became upset and demanded to know how the FBI agent knew about her father's death, Connolly said, "I saw it."

What exactly Connolly meant by that alleged statement is unclear, even to Parent, but insurance records from the early 1980s obtained by the Herald buttress Parent's assertion that Connolly had information about her father's death.

Moreover, the Herald has confirmed that Litif did in fact own property in rural Deerfield, Nova Scotia, at the time of Conrad's disappearance.

The Conrad case may become yet another chapter in the chilling

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story of Bulger and Flemmi's approximately 30-year partnership with the FBI.

At the time of Conrad's disappearance Connolly was the FBI's handler of Bulger and Flemmi, who were both top echelon criminal informants for the bureau.

In December 1999 and again in October of this year, Connolly was indicted by a federal grand jury for shielding Bulger and Flemmi from prosecution and for allegedly giving them the names of one witness and two confidential informants who, the government asserts, were later murdered by the Bulger gang.

Connolly's second indictment came as it became clearer that Bulger and Flemmi had gone on a murderous rampage while under the watchful eye of the FBI. Since January, investigators have unearthed the remains of six alleged murder victims of the Bulger gang in makeshift graves in Dorchester and Quincy.

Bulger, who has been a fugitive since 1995, has been charged with killing 19 people. Flemmi, who is in prison awaiting trial, is accused of murdering 10.

Another Mob burial ground?

According to Parent, she first learned of her father's death from Connolly while filing a missing-person report at the C-11 police station in Dorchester on July 29, 1981. When she 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 and once again told the FBI agent that she wanted to recover her father's body from Nova Scotia.

"You will get his remains someday," Connolly said, according to Parent. "You don't want them digging up that land, because your father is not the only body there. They're going to find a lot of bodies up there." Connolly did not elaborate, Parent said.

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When he disappeared, Conrad, then 46, had recently witnessed the murder of a South Boston man named James Matera. Matera was shot to death in the basement of Hap's Lounge in South Boston Aug. 30, 1979.

Conrad, a bartender at Hap's, was working at the bar on the day of the killing and saw Matera go downstairs with Litif just before the shooting.

According to his family, Conrad, a potential witness, left Boston for Las Vegas shortly after Matera's murder and has been missing ever since. In April 1980, Litif was found shot to death in Boston, his body wrapped in green trash bags and stuffed in the trunk of his wife's car.

Officially, Litif's murder remains unsolved, but a recent federal indictment includes evidence suggesting "Bulger and others" were involved.

Records: Connolly knew

Documents obtained by the Herald show that Connolly apparently knew back in the early 1980s that Bobby Conrad was not missing, but dead.

Two letters written by a Prudential insurance agent in 1982 state that it was Connolly who was going to confirm Conrad's death after his widow, Teresa (Conrad) Cote, sought to cash in on her husband's $5,000 life insurance policy.

In one of the two letters to Cote, then-Prudential agent Salvatore F. Reale wrote: "All I need now is a letter from Mr. Connolly the agent who was in charge of the investigation and I can process the death claim."

In a second letter, Reale stated: "I do not have the letter from Mr. Connolly the FBI agent."

Reale, now retired, confirmed he had written those letters, which appear under Prudential's letterhead, but claimed to have no memory of the Conrad insurance policy or any dealings he may have had with Connolly.

Other records confirm that Prudential was eventually satisfied that Conrad was dead, even though no body was ever recovered and no death certificate issued.

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In March 1983, Parent, the sole beneficiary of her father's life insurance policy, was paid $13,414.83 in two checks sent to her by Prudential, records show.

Meanwhile, public records in Canada also lend credibility to Parent's account.

Documents on file at the registry of deeds in Falmouth, Nova Scotia, confirm that the Litif family has owned property in the Canadian province for nearly 30 years.

In 1971, Louis Litif purchased a small house on a one-acre lot in the village of Deerfield, which is about a 10-minute drive from Falmouth, near the southern tip of Nova Scotia.

One month before Litif was murdered in April 1980, he transferred part ownership of the property to his wife, Anna, the records show.

Litif - who had been charged with the murder of Matera and was out on bail when he was killed himself - was reportedly involved in bookmaking, loansharking and drug dealing for the South Boston organization headed by Bulger and Flemmi. Sources said Litif played handball with Connolly and also may have served as one of the FBI agent's criminal informants.

One of Connolly's lawyers, Tracy Miner, claimed the investigation into Conrad's disappearance was handled exclusively by the Boston Police Department.

"John Connolly has no knowledge of any facts regarding Conrad's disappearance and he was not asked to investigate it," Miner said. When she was reminded documents indicate Connolly did know something, Miner said people may be confusing Connolly with a Boston police officer with the same last name.

"The matter (Conrad's disappearance) was handled totally by the Boston Police Department," Miner said.

Neither Anna Litif nor her daughter, Luanne Litif, could be reached for comment.

As in Massachusetts, people in Nova Scotia are reluctant to discuss openly what they know about Louis Litif or the fate of Bobby Conrad.

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One person, who requested anonymity, said Litif traveled to the Yarmouth area frequently during the 1970s and often brought other people with him when he stayed at his house in Deerfield.

Another source said Litif was popular even though he made no effort to conceal the fact that his business was organized crime.

One source who was interviewed about Litif, Connolly and the possible murder of Conrad, sent a note to a Herald reporter a few days later.

"Your visit here has left me in a constant state of turmoil and more emotional upheaval than you can possibly imagine," the source wrote. "I realize you are only doing your job but answers to your questions don't stop with just one person, many more get drawn in whether they want to be or not."

Conrad "wanted out"

According to Parent, Hap's Lounge, where her father worked, served as a base of operation in the 1970s for Bulger, Flemmi and some of their criminal associates.

Although she often visited her father when he was working at the bar, Parent said he was extremely protective of her and went to great lengths to prevent her from witnessing the illegal activities that took place there.

Parent believes her father was, for a time, involved in the Bulger gang's bookmaking operation. But she said he told her shortly before he disappeared that he was trying to break away from the organized crime group.

"He wanted out," Parent says. "He was afraid of these guys (the Bulger gang) as much as he was afraid of the police. He was afraid to move one way or another. He was damned if he did, damned if he didn't."

According to Parent, the last time she saw her father was on her wedding day, April 28, 1979, just before she returned to Florida with her new husband.

Then, after Matera was murdered in August of that year, Parent said her father called her in Florida. He said he had just come out of a police station in Boston and he sounded agitated.

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"He told me I would never see him again," Parent recalled. "He said he loved me . . . and the phone went dead."

Parent and other family members believe Conrad was taken out of state, to Las Vegas, by Litif and others associated with Bulger and Flemmi to prevent him from talking to police about the Matera murder.

That belief is bolstered by a postcard, which the family still keeps, that Conrad sent to a friend in Boston from the Circus, Circus hotel and casino in Las Vegas.

What happened to Conrad next is hard to determine. Family members said they heard "on the street" in South Boston that when authorities in Boston learned Conrad was in Las Vegas, Litif and others found out and moved Conrad out of the country, to Nova Scotia.

Parent said she has grown increasingly angry in the years since her father disappeared.

She said she has sought answers about her father's disappearance over the years from Massachusetts politicians, including U.S. Sens. Edward M. Kennedy and John F. Kerry, and from an array of media outlets, but has been rebuffed each time.

Now, much of her bitterness is directed at Connolly and the FBI.

"I fell hook, line and sinker for John Connolly," Parent said. "What I reallywant to know from Mr. Connolly is, can I talk now? Can I talk about it now?"

Peter Gelzinis contributed to this report.

---- INDEX REFERENCES ----

NAMED PERSON: CONNOLLY, JOHN; PARENT, ELIZABETH CONRAD; LITIF, LOUIS R; MATERA, JAMES; MINER, TRACY

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

NEWS SUBJECT: Crime and Courts; Political and General News; Crime; English language content (GCRIM GCAT CRM ENGL)

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AFFIDAVIT

Edward F. Harrington, being duly sworn, deposes and says:

1. I am a member of the Massachusetts bar and from August 1977 through October 1981 served as United States Attorney for the District of Massachusetts. During the time that I held this position, the case of United States v. Francis P. Tracey was investigated and prosecuted by my office in conjunction with the Internal Revenue Service. I have reviewed the papers filed by Mr. Tracey on about December 24, 1981, seeking a new trial in that case, and I make this affidavit in connection with that motion for a new trial.

2. In 1974, I was a candidate for the Democratic party's nomination for Attorney General of Massachusetts. During this campaign, I needed support from a political organization in Boston. Through a friend and supporter of mine, Daniel G. Harrington, who was a Boston attorney acquainted with Paul R. Tierney, Mr. Tierney agreed to support my candidacy in Boston and to organize a fundraiser for me. At the time, I knew Mr. Tierney to be a member of the Boston School Committee and a person who had been active in Boston politics. Mr. Tierney did, in fact, organize a fundraiser for me at the Parker House Hotel in Boston, which was attended to the best of my recollection by several hundred people. This fundraiser was organized by Mr. Tierney using his volunteers and his lists of political supporters and donors. My campaign organization was not responsible for this event.

3. 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 was 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.

EXHIBIT
727

4. After I became U.S. Attorney, the investigation which led to the present case began. This investigation involved allegations concerning campaign contributions by Mr. Green. After the investigation commenced, I was informed in mid-1978 that there was gossip on the street to the effect that Mr. Green had made financial contributions to my 1974 campaign for the attorney general nomination. As a result of this information, I checked with Daniel G. Harrington and with John T. Harrington, M.D., who had been treasurer of my campaign, to determine whether Mr. Green had in fact been a campaign donor of mine, and these individuals informed me that Mr. Green had not been a financial donor to my campaign. On this basis, I made no further inquiry.

5. I have no recollection of having ever met or heard of Francis X. Green during the 1974 campaign or, indeed, until the restaurant encounter in 1975 or 1976 described above. It is possibl that I met Mr. Green in the context of shaking hands during the campaign, because that campaign involved an intensive state-wide effort by me over the course of seventeen months during which I met thousands of people, but I have no recollection of having so met Mr. Green and do not think that I did. In any event, I certainly did not solicit Mr. Green to do campaign work for me. Mr. Green was not a part of my campaign organization during the 1974 campaign.

6. Although I was previously aware that Mr. Green had been a supporter of my 1974 candidacy, it was not until I learned of the papers filed in connection with the present motion for a new trial and discussed them with Daniel G. Harrington that I learned the exact details of Mr. Green's assistance to Mr. Tierney in organizing the Parker House fundraiser.

7. During the course of the investigation of the present case and the preparation for trial and trial of it, I did not specifically direct the attention of the Assistant U. S. Attorney responsible for the case, Amos Hugh Scott, to the fact that Mr. Green had been a supporter of mine in the 1974 attorney general race. On the other hand, I did not consciously refrain from mentioning the matter. Because Mr. Green was one of thousands

1-3 1-3



who supported my candidacy and because, based on my mid-1978 conversations with Daniel O. Harrington and John T. Harrington described above, I was informed and believed that Mr. Green was not a financial contributor to my campaign, it never occurred to me that the matter was of the slightest relevance to the Tracey prosecution.

Signed under the pains and penalties of perjury this 31st day of December, 1981.

Edward F. Harrington
EDWARD F. HARRINGTON, Esquire

Sworn to and subscribed before me this 31st day of December, 1981.

Edward F. Baker
NOTARY PUBLIC

My commission expires: 10/5/84

35 (Rev. 5-22-78)

FBI

TRANSMIT VIA:
- [ ] Teletype
- [ ] Facsimile
- [ ] AIRTEL

PRECEDENCE:
- [ ] Immediate
- [ ] Priority
- [ ] Routine

CLASSIFICATION:
- [ ] TOP SECRET
- [ ] SECRET
- [ ] CONFIDENTIAL
- [ ] UNCLAS E F T O
- [ ] UNCLAS

Date 9/21/81

TO: DIRECTOR, FBI
(1 COPY - ATTN: SEAN HILLY, CID)
(1 COPY - ATTN: SOU, CID)

FROM: SAC, MIAMI (58-623) (OC-2) (P)
(ATTN: SA W. J. MURPHY, JR.)

SUBJECT: APPLE EYE
BRIBERY
(OO: MIAMI)

Re Bureau teletype to Miami, dated 9/11/81.

Enclosed for FBIHQ are two copies of a signed indemnity agreement between H. Paul Rico and the FBI in captioned matter.

It is requested of the Bureau that the SOU copy be expeditiously forwarded to the Contract Section for signature by the Contracting Officer.

Agreements reviewed & signed by Contracting Officer - CRV
WMC

58-10762-22X2
10/12/
9 ~~SEP 24~~ 1981

2 - Bureau (Enc. 2)
2 - Miami
WJM:klj
(4)

Approved: _____ Transmitted _____ (Number) _____ (Time) Per _____

9 NOV 23 1981

EXHIBIT
728

AGREEMENT

This Agreement is made and entered into this 11th day of September, 1981, by and between H. Paul Rico and the United States Department of Justice, Federal Bureau of Investigation (hereinafter referred to as "the Bureau").

H. Paul Rico agrees to assist the Bureau in the furtherance of an official investigation known as Apple Eye. H. Paul Rico agrees he will not obligate or attempt to obligate the Bureau or any employee thereof, in any unauthorized business or financial dealings of any nature or kind and that he agrees he is not an employee of the Bureau. The Bureau will reimburse H. Paul Rico for expenses incurred by him which are deemed by the Bureau to be reasonable and in furtherance of this investigation.

H. Paul Rico further agrees that he will work under the direction of personnel of the Bureau and report to them on a timely basis and made no decisions effecting the overall stragegy and conduct of the investigation known as Apple Eye without first consulting with Special Agents of the Bureau.

The liability for any negligent acts of Bureau employees will be borne by the Bureau. Liability for any negligent or willful acts of H. Paul Rico, which acts were undertaken without prior express approval to the Bureau, are the sole responsibility

of H. Paul Rico. H. Paul Rico does not waive any rights or claims to which he is entitled under the Federal Tort Claims Act. The Bureau agrees that in the event H. Paul Rico becomes a defendant in a civil action which is the direct result of his authorized participation in Apple Eye, the Bureau will reimburse H. Paul Rico for his attorney's fees, which are deemed reasonable and necessary by the Bureau, that he incurs in defending such a suit; provided the Bureau approves of the attorney prior to his retention by H. Paul Rico.

H. Paul Rico agrees when directed by the Bureau to testify and furnish all information in his possession, custody or control, which he has received during the course of, or related to, this investigation.

This Agreement shall commence on the date of acceptance by H. Paul Rico, as signified by his signature, and shall continue as long as the Bureau deems that Paul Rico's services are required. It may be terminated at any time by either party by deliverance of a written notice to terminate.

In witness whereof, the parties hereto have executed this Agreement the day and year first above written.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

Attest:

BY: William M. Chapin

TITLE: WILLIAM M. CHAPIN
~~CONTRACTING OFFICER~~
FEDERAL BUREAU OF INVESTIGATION

Attest:

H. PAUL RICO

H. Paul Rico

2*

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BY: William M. Chapin

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~~CONTRACTING OFFICER~~
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H. PAUL RICO

H. Paul Rico

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EXHIBIT
729

1-2 1-2



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EDWARD F. HARRINGTON, Esquire

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Edward F. Baker
NOTARY PUBLIC
My commission expires: 10/5/84

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 99-10428 - JLT |
| | : | |
| v. | : | Racketeering |
| | : | (18 U.S.C. §1962(c)) |
| JOHN J. CONNOLLY, JR. and | : | |
| STEPHEN FLEMMI | : | Racketeering Conspiracy |
| | : | (18 U.S.C. §1962(d)) |
| | : | |
| | : | Conspiracy to Obstruct Justice |
| | : | (18 U.S.C. §371) |
| | : | |
| | : | Obstruction of Justice |
| | : | (18 U.S.C. §§1503, 1512) |
| | : | |
| | : | False Statement |
| | : | (18 U.S.C. §1001) |

SUPERSEDING INDICTMENT

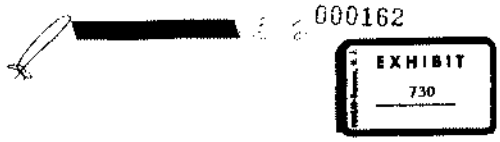
The Grand Jury charges:

COUNT ONE - Racketeering
(John J. Connolly, Jr.)

GENERAL ALLEGATIONS

1. From November 1968 to December 1990, the defendant JOHN J. CONNOLLY JR. ("CONNOLLY") was a Special Agent of the Federal Bureau of Investigation ("FBI"). From February 1973 until his retirement in December 1990, CONNOLLY was assigned to the Boston Field Office of the FBI.

2. At all times material to this Indictment, the "Winter Hill Gang" was a clandestine



affairs of the Enterprise through a pattern of racketeering activity, that is, the commission of Racketeering Acts One through Fourteen, as described below.

THE PATTERN OF RACKETEERING ACTIVITY

22. The pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisted of the following acts:

A. BRIBERY

**Racketeering Act #1**

23. In about June 1976, the exact date being unknown, in the District of Massachusetts, CONNOLLY, being a public official, corruptly received, accepted, and agreed to receive and accept from Bulger and Flemmi a thing of value, that being a diamond ring, in return for being induced to do and omit to do acts in violation of his official duty, specifically to divulge confidential and sensitive law enforcement information in order to protect Bulger's and Flemmi's ongoing criminal activities in violation of his official duty, in violation of Title 18, United States Code, Sections 201(c) (later re-codified as 201(b)) and 2.

**Racketeering Act #2**

24. Beginning in the latter part of 1981 or early 1982, the exact date being unknown, in the District of Massachusetts, CONNOLLY, Bulger and Flemmi did corruptly give a thing of value, that being a case of fine wine, to a public official, that being Supervisory Special Agent John Morris, to induce such public official to do and omit to do acts in violation of his official duty, specifically to divulge confidential and sensitive law enforcement information in order to protect Bulger's and Flemmi's ongoing criminal activities in violation of his official duty, in violation of Title 18, United States Code, Sections 201(b) and 2.

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**HEADLINE:** DID THE FBI HINDER THE INVESTIGATION INTO THE 1980S JAI ALAI KILLINGS?;
A TALE OF MURDER AND FRUSTRATION

**BYLINE:** EDMUND MAHONY and
LYN BIXBY; Courant Staff Writers

**BODY:**
Two months after the Mafia-style execution of Roger Wheeler, Bible Belt millionaire and owner of World Jai Alai, investigators hundreds of miles apart got what would prove to be their most credible, enduring and yet frustrating lead.

Wheeler, they were told, was shot between the eyes on the orders of a gang of Irish thugs from Boston. That was in 1981. There have been six more killings since then linked in some fashion to World Jai Alai, the Miami-based company that owned the now-closed Hartford fronton and four others in Florida. The original police tip about thugs from Boston is, if anything, more credible than ever. An arrest in the homicide is just as remote.

But one aspect of the Wheeler investigation has changed. Detectives from Connecticut, Oklahoma, Massachusetts and Florida say they now know why so many promising leads came to dead ends in Boston: The prime suspects in the Wheeler killing turned out to be prize informants for the FBI.

FBI agents in Boston were so consumed by their own pursuit of the local Mafia, Wheeler investigators say, that they squelched information linking the informants to the killing. In doing so, they prevented the investigators from interviewing a witness who claimed to have evidence crucial to the Wheeler case -- a witness who himself was killed soon after talking with the FBI.

The witness' statement, given to the FBI seven months after Wheeler was killed, implicated the informants -- James "Whitey" Bulger and Steven "The Rifleman" Flemmi -- and H. Paul Rico, the FBI agent who recruited them, in a conspiracy to murder Wheeler.

Moreover, the statement suggested a broader conspiracy by organized crime to infiltrate the jai alai industry, a scheme Connecticut investigators had been trying to crack since 1976. The motive for Wheeler's killing, according to the witness, was protecting a $1 million-a-year skimming operation at World Jai Alai.

The information came from Edward Brian Halloran, a disaffected Winter Hill leg breaker whom the FBI spent six weeks debriefing. Rather than share his information with the agencies investigating Wheeler's killing, the FBI decided Halloran was not credible and put him back on the street. The other agencies never got a chance to interview Halloran themselves, either: Soon after the FBI cut him loose, Halloran was gunned down in an apparent mob hit in South Boston.

Bulger and Flemmi, on the other hand, seemed blessed by good fortune. State and local



detectives could not get to them. Three times in the early 1980s, Massachusetts State Police detectives tried to bug the pair; and each time, Bulger and Flemmi seemed to learn in advance of the hidden microphones. Eventually, the detectives were assigned to an FBI task force and put to work on cases not involving Bulger and Flemmi.

Other out-of-town detectives believe they were followed by the FBI when in Boston to investigate links between the Winter Hill Gang and World Jai Alai.

Rico declined to be interviewed for this story. He said any talking he does about Bulger, Flemmi and World Jai Alai will take place at a continuing hearing in federal court in Boston that is examining, among other things, how the FBI used informants.

The experience of the Wheeler investigation -- 16 years of frustratingly futile work -- has left a particularly bitter taste with state and local detectives. At first, the detectives were inclined to ascribe the FBI's conduct to inter-agency rivalry or poor judgment. Now, they say, they believe the bureau's motives were something worse.

"In some cases I think you can probably say it was stupidity on their part," a Massachusetts detective said. "But, you know, it's not possible that they could be that stupid for that long."

Said a Connecticut investigator: "You can't justify not solving a murder case in order to do another kind of case. At least you shouldn't."

Federal prosecutors and the FBI say they are prevented by a court order from discussing the Wheeler case. The Department of Justice has assembled a team of investigators who have been trying to figure out exactly what an earlier generation of FBI agents and prosecutors did during the jai lai cases.

State and local detectives who discussed the case do not to be identified for a variety of reasons. Some don't want a public dispute with the FBI. Others anticipate being subpoenaed to testify about the case in the future. Still other retired officers don't want to be drawn into a continuing debate about a years-old case.

Investigators on the jai alai case, notably those from the Connecticut State Police and the Tulsa Police Department, followed leads about murder, drug dealing and money laundering across the country and to Switzerland's secretive banks. But when the leads played out, it was always in Boston where they died.

Boston, coincidentally, is where the plan to bring jai alai to the United States was conceived.

Mob Moves On Jai Lai

Jai alai in the United States, a South Florida institution for most of its history, was developed by a group of wealthy Bostonians. It was financed by the First National Bank of Boston, a leading name in American banking -- until the bank pleaded guilty to laundering $1.2 billion, much of it the mob's, in 1983. The investors ran their company, World Jai Alai, without change for decades, often taking advice from their bankers.

In the early 1970s, World Jai Alai directors decided to find professional business leadership for the company. To assist in their search, they hired a Boston-based consulting company owned in part by John B. Callahan, who, police informants and other witnesses said, was then an associate of and financial adviser to the Winter Hill Gang, a criminal gang of Irish thugs from around Boston. Callahan emerged as the leading contender to become World Jai Alai's chief executive.

The directors hired Callahan after a contentious vote in December 1974; his employment was approved by one vote after a director had a last-minute change of heart.

Callahan immediately hired his partner from the consulting business, Richard Donovan, to be his second in command. He hired Rico, the retired FBI man, as vice president and security chief. He appointed the director who had changed his vote to a senior position in the company.

Suddenly World Jai Alai was changing faster than people could keep track of. Under Callahan, administrative costs grew by $1 million annually, the result of a pattern of hiring his detractors in the company described as cronyism.

For example, Callahan hired Boston pal Brian McNeeley, another reputed Winter Hill associate, as head of World Jai Alai's food and beverage operation in 1975. McNeeley is described in a police report as "a brawler and strong arm bouncer type individual, hardly the type of person to handle mathematics necessary to direct the food and beverage accounts of World Jai Alai."

McNeeley was ultimately let go by World Jai Alai. After his departure, he was arrested in connection with a series of crimes in the Miami area, then he dropped from sight.

Callahan also hired a computer consultant from Boston. He was paid $50,000, which his peers at World Jai-Alai thought was fairly generous in the middle 1970s. Investigators have not been able to figure out exactly what the consultant did. But the computer system became the subject of intense scrutiny as the possible vehicle for skimming money; a skim was never proved. The consultant has also dropped out of sight.

Until the proliferation of legalized gambling, jai alai was a profitable parimutuel business. Around the time Callahan was joining the business, the industry was trying to expand beyond South Florida. It became a hot item in Connecticut.

The state's General Assembly voted to legalize jai alai gambling in 1972. Before the first fronton opened in 1976, allegations surfaced that mob-connected businessmen from Florida were trying to expedite the Connecticut licensing process with a substantial cash payment.

Similar allegations surfaced in New Jersey, where the FBI's ABSCAM investigation turned up politicians willing to back jai alai for payola. A name that surfaced in New Jersey was that of Meyer Lansky, the elderly Murder Inc. alumnus who is credited with organizing organized crime. Lansky was then the most powerful gangster in Florida.

World Jai Alai decided to build a fronton in Hartford. Stung by the earlier allegations of corruption, Gov. Ella T. Grasso ordered state investigators to put World Jai Alai and any other potential fronton operator through a rigorous background process. The resulting investigation led to a break that would color everything that followed.

Trip To The Playboy Club

Callahan, then World Jai Alai's top operating officer, was a big, gregarious Boston Irishman with a captivating knack for storytelling. Connecticut State Police investigators examined his background, but much of that investigation relied on inquiries to Boston-based police agencies. They reported no damaging information on Callahan. It took a stroke of good fortune to lead police to the goods on Callahan.

In March 1976, Callahan was in Hartford on jai alai business. Bruce Haines, a state police

detective, and Austin J. McGuigan, the state's organized crime and political corruption prosecutor, took the opportunity to interview him in his room at the Sonesta Hotel on Constitution Plaza.

Callahan was amusing as ever, but cut the meeting short. He said he had to get to Bradley Field to catch a shuttle back to Miami. But there was no afternoon shuttle to Miami, as McGuigan and Haines knew. Haines told a detective to follow Callahan, who bypassed the airport altogether and ended up at Boston's Playboy Club, where he joined a group of Winter Hill Gang members.

Connecticut detectives joined the Boston Police Department and mounted surveillance of Callahan. Surveillance logs show that, in March 1976 alone -- the height of licensing proceedings in Hartford -- Callahan was seen meeting with Winter Hill members such as John Martorano and Halloran 10 times.

Connecticut investigators, planning a bit of legal theater, wanted to spring the surveillance logs on Callahan during the spring of 1976 when he was scheduled to testify before state gaming regulators considering his Connecticut license. Somehow, Callahan and World Jai learned of the ostensibly secret surveillance, and Callahan did not show for the hearing.

Rico and Donovan appeared instead and announced that Callahan had resigned from World Jai Alai to pursue other interests. That apparently satisfied state gaming regulators, who licensed World Jai Alai's Hartford fronton.

During Rico's testimony, McGuigan demanded to know how World Jai Alai learned of the results of the surveillance. Rico declined to answer, and the state gambling regulators declined to make him. Much later, Rico told the FBI he learned of the surveillance from "sources" in Boston and that he told World Jai Alai about it to spare it embarrassment.

Dead Fish And A Bullet

Changes at World Jai Alai continued. The stockholders, led by Boston native Alan Trustman, author of the Steve McQueen screenplays "Bullitt" and "The Thomas Crown Affair," ultimately decided to sell the business.

There were two curious events about the time of this decision. Trustman became alarmed after finding a dead cod on the bank of his freshwater pond, far from the ocean in Concord, Mass. Another World Jai Alai officer found a bullet on his front step. Forensic analysis showed that someone had taken the trouble of firing the bullet from a gun into a soft substance before placing it on the step.

Rico became a key player in the effort to sell World Jai Alai. The first potential deal involved a man named Jack B. Cooper.

Not long before, a lengthy organized crime investigation in South Florida had identified Cooper as a business associate of Meyer Lansky. Rico had participated in that investigation, a Florida detective who supervised the case said, as an FBI expert on organized crime.

Rico's attorney, William P. Cagney III of Miami, said Rico pursued the sale to Cooper because the courts in Florida had ruled that Cooper, regardless of his business associations and criminal record, was a licenseable gaming operator under Florida law.

The negotiations with Cooper ultimately were killed by bad publicity when word leaked to enforcement and news reporters that an associate of Meyer Lansky was trying to buy a substantial portion of the American jai alai industry.

The next suitor was Bally Manufacturing, the country's leading maker of slot machines. That sale died the same death amid disclosures that Bally had unsavory connections to organized crime figures.

With sales twice quashed by bad publicity, World Jai Alai's bankers from First National Bank of Boston entered the talks. The bank's loan officer identified Wheeler as a prospective buyer. Wheeler found the deal attractive and, with a loan from the bank, he bought World Jai Alai in December 1977 for about $60 million.

Take Her Up For A Spin

Wheeler, chairman of Telex Corp. who made a fortune in electronics, oil, mining and other interests, signed the sales contract in spite of a curious clause inserted by the bank. It prevented Wheeler from tinkering with World Jai Alai's top management. The clause said that if for some reason Wheeler wanted to fire Richard Donovan, who was Callahan's replacement as chief executive, the bank reserved the right to reinsert Callahan. The clause was written after Callahan had resigned from World Jai Alai amid disclosures about his ties the Winter Hill Gang.

Wheeler closed the deal anyway, perhaps because there were questions about enforceability of the clause. He also told his family he felt protected because there were so many ex-FBI agents working for World Jai Alai -- chief among them Paul Rico.

But Wheeler had not been long established as owner when he began expressing concerns about his safety and the possibility that criminals had penetrated the business and were stealing money. That behavior is documented by investigative reports and a family member.

Wheeler was a hard-nosed businessman. If there was one thing he could not abide, it was the thought of someone stealing from him. In conversations with trusted associates, he expressed concern about a skim and began toying with the idea of changing the company's leadership. He had an unfocused fear about the New England Mafia.

Events connected with Connecticut's fledgling jai alai industry could not have been reassuring. The state police had redoubled investigations of possible game fixing, suspected skimming and possible links to the Winter Hill Gang. By 1980, Wheeler had decided to sell the Hartford fronton. He hoped such a move would cut World Jai Alai's geographical link to the New England Mafia, while grouping his four remaining frontons in Florida.

Wheeler spoke continually with Connecticut State Police detectives. He recorded his telephone calls and trained his staff in stress analysis so they could review the recordings and speculate about who was lying to him. He became so concerned for his safety that he once had his pilot take his private jet up for a spin around the airport in Tulsa before he boarded a flight to Connecticut.

Target: Angiulo

While authorities in **Connecticut** focused on **jai alai** irregularities and the Wheeler killing, the **FBI** was reaching a critical point in its years-long investigation of Jerry Angiulo, who as underboss in Boston for New England's Patriarca crime family was the city's Mafia captain. As Raymond Patriarca's man in Boston, Angiulo controlled the Italian mob's extensive gambling and loansharking rackets in eastern New England. The bureau had been after the slippery Angiulo for decades. In the early 1980s, the **FBI's** Angiulo investigation would cement the bureau's relationship with Bulger and Flemmi.

Patriarca, Angiulo and the Italian mob firmly established themselves as the undisputed criminal power in Boston after a bloody war between rival Irish mobs in the early 1960s. Winter Hill was victorious in the Irish war, but remained subservient to Angiulo. By the 1980s, Bulger and Flemmi, by virture of being alive, out of jail or not hiding from the law, were the de facto Winter Hill leaders.

The Winter Hill gang established a complicated relationship with Angiulo's Italian mob. The Irish gangsters had to pay a percentage of whatever they earned to Angiulo. But they also did "work" -- the odd strong-arm job or killing -- for the Italians. As a result, Bulger and Flemmi became intimately familiar with Angiulo's operation.

When Rico recruited Bulger and Flemmi as informants for the FBI, it was the beginning of the end for Angiulo and his crew. The work they did, in fact, may make them the FBI's most important Boston informants ever. They are credited with providing the information the bureau needed to install bugs in Angiulo's northend Boston headquarters.

No one disputes that Angiulo ran an extensive bookmaking and loansharking operation in eastern Massachusetts. But there is disagreement about who was the most violent and clever criminal force in Boston -- Angiulo and his crew or the FBI's two pet informants. In the very wiretaps Bulger and Flemmi helped make possible, they are described by Angiulo and his associates as two of the Italian mob's most trusted hired killers.

By 1980, Bulger and Flemmi were giving the FBI the evidence it needed to install hidden microphones in Angiulo offices. In 1981, the bugs were in place and a federal grand jury was investigating the Angiulo operation.

He Has To Die

There was another event in 1981, in January, that, if it really happened, would bear out Wheeler's gravest fears. Longtime Winter Hill gangster Edward Brian Halloran said he was summoned to a meeting with Callahan, Bulger and Flemmi. Halloran told no one in authority about the alleged meeting until a year later, when he described it to the FBI.

When taking the information from Halloran, the FBI reduced it to a written report. But the bureau, according to other police agencies, did not share that information. The Courant has obtained a copy of the FBI's report. Information in the report cannot be independently verified, but Halloran's account follows:

Callahan telephoned Halloran and asked for a meeting at Callahan's apartment at 10 Commercial Wharf in Boston. When Halloran arrived, he found Callahan, Bulger and Flemmi present. They exchanged pleasantries. Then Callahan got to the point: He said Wheeler had to be killed.

Callahan said he had an "operation" at World Jai Alai that Wheeler was threatening. In Callahan's opinion, Wheeler had become so dangerous to the operation that he could put Callahan in jail. Wheeler had to be "moved on," Callahan said, because he had discovered something was not right with World Jai Alai.

Callahan said Wheeler had begun to fire Callahan's people at World Jai Alai and replace them with his own. Big money, $1 million or more, was at stake, Callahan said. He said that if Wheeler was "moved on," Callahan would have no trouble controlling his World Jai Alai operation.

Flemmi chimed in. He predicted friends of the Winter Hill Gang at World Jai Alai would fold under the pressure if Wheeler called the police. Halloran got the impression that Bulger and

Flemmi either had, or were about to get, a piece of the World Jai Alai action.

Callahan said that he, Bulger and Flemmi were going to get Wheeler set up and "take him out of the box." Callahan said he wanted Halloran to "whack" Wheeler. Callahan described Rico as a close associate who would probably set Wheeler up. Flemmi said that he trusted Rico, whom he had known since he was a "kid." Callahan said that gang member John Martorano knew about the plan and would probably take a part.

The meeting lasted about an hour. Halloran said he did not agree to kill Wheeler and asked whether the problem could be resolved without "hitting the guy." Halloran said it was his impression that Bulger and Flemmi believed Wheeler had to be killed. Halloran said he left the meeting with the impression that the group would discuss the matter again in the near future.

Two weeks later, Callahan called Halloran again. Callahan told him the group had decided it would be best if Halloran did not participate in the Wheeler hit. Callahan paid Halloran $20,000 in $100 bills simply for attending the meeting.

Meanwhile, business at World Jai Alai proceeded as usual. As the spring of 1981 unfolded, Wheeler continued to behave in a manner disturbing to anyone stealing money. In March, he sold the Hartford fronton. In May he sent a son to World Jai Alai headquarters in Miami to evaluate the company computer system. He told his son he suspected something was amiss with the business. He asked his son to "keep his ears open" while in Miami.

Late in the afternoon of May 27, Wheeler walked out of Southern Hills Country Club in Tulsa after his customary Wednesday round of golf. Two men watched from a nearby parked car. Wheeler slid into his Cadillac. One of the watchers, carrying a paper bag, approached Wheeler as if to speak. He stuck the bag in the Cadillac driver's side window and, with the pistol it contained, shot Wheeler between the eyes from a distance of about 2 inches. The killer walked back to his car and drove away with his accomplice.

Halloran Wants Out

Wheeler's killing was big news. Reports across the country described it as a mob hit. Reporters probed possible links to the jai alai industry. Connecticut detectives redoubled their skimming and game-fixing investigations, thinking therein lay the motive for the killing. Tulsa detectives pored over physical evidence and teamed up with Connecticut.

Two months later, in July 1981, Tulsa and Connecticut investigators got their first tip from sources in Boston that the Winter Hill Gang was somehow involved. But the investigation went no further.

In January 1982, a year after allegedly meeting with Callahan, Bulger and Flemmi, Halloran showed up at the FBI offices in Boston and announced that he wanted to tell his story about the contract to kill Wheeler. Halloran's life, such as it was, was coming apart.

He had been arrested and charged with murder in the killing of a convicted cocaine dealer in Boston's Chinatown. Halloran had become more a user than seller of cocaine. He had so antagonized some of Boston's other Irish gangsters that he was convinced they were planning to kill him. He wanted to cooperate with the authorities and join the federal witness protection program.

The FBI began a six-week debriefing of Halloran, moving him from safehouse to safehouse around the Boston area. They introduced him to Jeremiah O'Sullivan, who led New England's federal organized crime strike force. At the time, O'Sullivan and the FBI were building their

case against Angiulo, the Patriarca underboss in Boston. Halloran had no way of knowing that Bulger and Flemmi, two of the men he was implicating in Wheeler's killing, were the government's ace informants in the Angiulo case.

Halloran said Callahan had been friendly with Winter Hill members, including Bulger and Flemmi, since 1974. In fact, Halloran said, it was he who introduced Callahan to the mob. The mob liked Callahan, he said, because Callahan was a "fun guy" who liked to party, had a lot of "broads" and spent a lot of money. Halloran said Callahan volunteered to permit himself to be robbed as he carried jai alai proceeds from his office to the security company that handled the money.

To corroborate his story, Halloran agreed to be fitted with a hidden microphone and chat with Callahan and others, to engage them in incriminating statements about the Wheeler killing. But no one would talk to Halloran. Word had spread around Boston's underworld that he had become an informant.

O'Sullivan and the FBI decided that, without corroboration, Halloran was not a credible witness. They denied him entry to the witness protection program. They also did not disseminate the report of his debriefing to other agencies working the Wheeler killing and jai alai cases.

On May 12, 1982, while sitting in a car outside the Topside Bar on Northern Avenue in South Boston, Halloran and a friend, Michael J. Donahue, were ambushed and shot dead. Halloran made a dying declaration to the first Boston police officer to arrive at the scene. He named the man he thought shot him, another Winter Hill associate, but the man was later acquitted at trial.

With Halloran's very public execution, word of his cooperation with the FBI began to leak out, bit by bit. It was widely suspected in the underworld. There were sketchy press reports that Halloran was an informant. Other informants told Massachusetts and Connecticut state police a version of the Halloran-Callahan-Bulger-Flemmi meeting that was strikingly similar to Halloran's.

The informant information picked up by Connecticut and Massachusetts state police was shared by the two agencies and with the Tulsa Police Department, which had primary jurisdiction over the Wheeler homicide. But the state and local police agencies said the FBI did not disclose to them the report of Halloran's debriefing. Months after Halloran was killed, a federal prosecutor confirmed that Halloran had tried to join the witness protection program -- but by then, it was too late to re-interview Halloran.

Few Witnesses Alive

With the information they had, detectives in Tulsa, Connecticut and Massachusetts became more convinced than ever that Wheeler's death was related to some sort of Winter Hill skim from World Jai Alai. But they were running out of live witnesses. They needed someone linked to the plot whom they could roll over on the others. Almost simultaneously, they zeroed in on Callahan.

While the **FBI** was working with Bulger, Flemmi and Halloran, detectives in **Connecticut** were writing an investigative book on Callahan. They learned he was traveling regularly from Boston to South Florida. He was speaking with Lansky's man, Jack B. Cooper; there is some indication he may have been part of Cooper's attempt to buy World **Jai Alai.** And Callahan was a visitor to Switzerland.

Swiss employees of some swank European strip joints said Callahan had become a well-

known customer beginning in 1981. They said he dressed to the nines, wore flashy jewelry, drank the best champagne and tipped generously with crisp $50 bills. Sometimes, after closing, he entertained the performers at his hotel. In Geneva, Callahan was considered a real nice guy.

On the other side of the earth, the U.S. Drug Enforcement Administration said Callahan was a suspect in narcotics smuggling. Callahan, drug agents said, was tailed to a California hotel in 1979 where he is suspected of setting himself up in order to coordinate a ground crew unloading narcotics at a remote air strip. For reasons that are not clear, the drug delivery never materialized and no arrests were made.

No Bets On Callahan

The detectives working the jai alai cases had high hopes for Callahan. He had never been arrested. They figured he might cooperate if confronted with a long stretch in jail. The problem was, no one could find him. The detectives were starting to fear that Callahan, too, was dead. More sanguine officers in Florida bet in an office pool on how long Callahan would live.

In the summer of 1982, state and local detectives descended upon Boston in search of Callahan. They had no luck. In July, two Tulsa detectives, two detectives from the Connecticut State Police and a Massachusetts State Police detective decided to interview O'Sullivan, the strike force head leading the case against Angiulo.

The detectives wanted to know more about the snippets of information they had heard suggesting Halloran might have had information about the Wheeler killing. They complained to O'Sullivan that the FBI was holding out on them. Two detectives made notes on the meeting.

O'Sullivan conceded that Halloran had tried to get into the witness protection program, but it appears the concession was reluctant at best. He first said he had learned third hand that Halloran was offered the murder contract on Wheeler. Later in the interview, O'Sullivan said he got that information directly from Halloran.

But the bottom line, according to O'Sullivan, was that Halloran's information couldn't be corroborated. He said half of what Halloran told the bureau was probably true. What's more, O'Sullivan said Halloran would not take a lie detector test and was probably tailoring his statements to keep what few remaining friends he had left out of trouble with the law.

O'Sullivan said nothing about Bulger and Flemmi.

The detectives still had no idea the two were top federal informants and were giving O'Sullivan the evidence he needed to bug Angiulo's phones and headquarters. But they raised doubts about the FBI and questioned O'Sullivan about whether the bureau could be trusted, particularly when it came to matters concerning the Winter Hill Gang. In a report written by one of the detectives, O'Sullivan "tried to downplay this."

What About Rico?

O'Sullivan did raise questions about Rico. He said Rico was "connected with the Winter Hill Gang" and had "formed close associations with them while working for the Boston FBI." But, O'Sullivan qualified his answer, saying Rico was "connected" to Winter Hill members at a time when the FBI had no jurisdiction over the gang's activities. Finally, O'Sullivan said Rico was "somewhat of a rogue and would go drinking and playing pool with the subjects such as Bulger and Flemmi."

When questioned for this story about meeting the detectives in 1982, O'Sullivan first said he couldn't remember what was discussed. When informed there were notes on the meeting that might prod his memory, he said the matter was confidential. Rico's attorney said that if Rico was associating with Winter Hill members, it was because he was cultivating them as informants.

The detectives left Boston no closer to finding Callahan than they had been back in Connecticut and Oklahoma. But they kept working.

Connecticut prosecutors and state police, aware that there was a Florida grand jury looking at jai alai, began formulating plans to attack Callahan in conjunction with their Florida colleagues.

On Aug. 3, 1982, the Connecticut investigators flew to Miami. The day they arrived, Callahan's rotting body was found in the trunk of his Cadillac in the terminal garage at Miami International Airport. His killers had shot him repeatedly in the head and left a dime on his chest, a not-very-subtle message that whoever killed Callahan suspected he had dropped a dime to the authorities and become an informant.

Good Eats, No Help

Three months later, on Nov. 3, 1982, the Department of Justice organized a meeting in Tulsa. A year and a half after Wheeler was killed, Justice wanted the agencies involved to trade notes and crank the investigation up. Prosecutors and detectives from Connecticut, Massachusetts, Florida, Oklahoma and the federal government attended the three-day meeting. Justice paid the bill.

Participants said it was a curious gathering. They ate and drank well and slept in nice hotel rooms. But, they said, nothing much happened. It was as if the federal people were trying to learn what the state and locals had in the way of evidence.

The conference went snoringly until its conclusion, when a Justice Department moderator rose and announced that it was time for anybody with damaging information about Rico to speak up. Rico, the moderator said, was being called from retirement to serve as point man in an undercover investigation of a federal judge in South Florida. If there was any information that could damage Rico's credibility and weaken a potential case against the judge, the moderator said, the Justice Department wanted it.

Participants in the meeting, long leery of Rico, balked at the request. The Tulsa Police Department earlier had asked for a federal grand jury on the Wheeler homicide and that Rico be called as a witness. The Connecticut delegation, having recently heard O'Sullivan describe Rico as a "rogue" who palled around with mobsters, decided to leave as soon as the question was asked.

The meeting resulted in little more than a quick trip to the Bible Belt for a lot of out-of-town policemen. Not long after, the Wheeler investigation withered and the inquiry into the rest of the so-called jai alai crimes effectively died.

As years passed, detectives retired or were transferred to more potentially productive assignments, the unsolved killings moved to cold-case files.

The Angiulo prosecution was a stunning success. Bulger and Flemmi helped the FBI insert enough microphones into Angiulo headquarters that none of the gang's secrets were safe. Jerry Angiulo is serving a life sentence at the federal penitentiary in Leavenworth, Kan.

Bulger and Flemmi, many police sources say, became the most powerful criminals in Boston as the FBI systematically plucked their rivals off the street.

But the pair's luck eventually changed as the evidence piled up against them. Both are now under federal indictment. Flemmi is in jail awaiting trial and is said to be building a defense arguing that whatever he did, he did for the government. Bulger disappeared and is a fugitive.

Perhaps the lonliest detective in the country is Sgt. Michael Huff of the Tulsa Police Department, the only investigator actively working on the Wheeler case.

"I've stayed on this case since the moment of the first call on Wheeler's death from Southern Hills Country Club," said Huff, who has chased leads in Boston and Miami the last two years. "We've maintained an active case file and there has literally been not more than a week that goes by that investigation has not been followed up on. We're optimistic that there is a possibility of a successful closure on this case.

"If there is anyone with any information, they can call me, write me, e-mail me or whatever they want to."

Huff believes a continuing hearing in federal court in Boston, which is examining the FBI's relationship with Bulger and Flemmi, may be the last best hope for solving Wheeler's murder.

**GRAPHIC:** PHOTOS: (2 b&w) mugs
GRAPHIC: (b&w)
; PHOTO 1: Wheeler

PHOTO 2: Rico

GRAPHIC: The Halloran debriefing
* Excerpts from the lengthy statement reputed Winter Hill Gang member Edward Brian Halloran gave the FBI in 1982 concerning the gang's alleged conspiracy to kill former World Jai Alai owner Roger Wheeler Sr.

**LOAD-DATE:** November 12, 1997

◀ prev Document 30 of 34 next ▶

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Published: 06/28/1998 Edition: STATEWIDE
Page: A1 Type:
Section: MAIN Source: EDMUND MAHONY; Courant Staff Writer
Column: Series:

# FBI AGENTS FACE SCRUTINY BY PROSECUTOR
# QUESTIONS OF OBSTRUCTION IN JAI ALAI MURDER CASES

The U.S. Department of Justice has quietly assigned a federal prosecutor to decide whether FBI agents in Boston obstructed the investigation of a string of jai alai-related murders or otherwise broke the law in their relationship with two notorious informants.

The appointment of John Durham, the highly regarded deputy U.S. attorney in New Haven, suggests Justice Department concern over a growing scandal involving retired agents and their questionable relationships with gangster/informants ***James "Whitey" Bulger*** and Stephen "The Rifleman" Flemmi.

Among other things, Durham is expected to look into the apparent disappearance of evidence relevant to the nearly 20-year-old jai alai cases. Many investigators believe Bulger, Flemmi and their Winter Hill gang in Boston may have infiltrated World Jai Alai, which operated the fronton in north Hartford. The two former top echelon FBI informants have been suspects in the murders since the 1980s.

In one instance of missing evidence, according to investigators familiar with the matter, a document detailing payments believed to have been made by John B. Callahan, the murdered former president of World Jai Alai, cannot be located. It was last believed to have been in FBI custody. The sources would not elaborate on what one described as "the payoffs."

Investigative documents which could shed light on financial connections between World Jai Alai and the Winter Hill gang also are missing, the investigators said. Still other documents, stored elsewhere in the country, show signs of having been rummaged

through and it is not known if they remain intact, the investigators said.

Suggestions of missing evidence, when combined with a string of disclosures made over the last six months at a hearing in U.S. District Court in Boston, paint a disturbing picture of the Boston FBI office's relationship with Bulger and Flemmi. The pair became two of New England's most notorious gangsters while simultaneously working as two of the FBI's most important informants.

At the hearing before Judge Mark Wolf, a retired supervisor of the FBI's organized crime squad in Boston admitted taking $7,000 and expensive gifts from Bulger and Flemmi. There has been testimony about bizarre social relationships between the gangsters and agents and about at least one leak of sensitive investigative information which may have led to a murder.

Retired agent John Connolly, once assigned to ``handle'' Bulger and Flemmi, invoked his privilege against self-incrimination rather than testify at the hearing.

Durham had little to say about his investigation.

``I've been asked by Washington to inquire into matters raised in the hearings before Judge Wolf,'' he said.

It is known, however, that Durham's assignment follows a largely ridiculed investigation last summer which was ordered by the Justice Department's office of professional responsibility and conducted by the FBI. The purpose of that investigation was to determine whether any current FBI employees broke the law in their dealings with Bulger and Flemmi.

Some of those interviewed in last summer's investigation dismissed it as superficial and destined to fail. The results have not been released.

Durham's investigation arises out of disclosures before Judge Wolf. It has no limits and could result in a racketeering indictment if evidence suggests a law enforcement conspiracy to protect Bulger and Flemmi from arrest.

The jai alai cases have for years been a compelling law enforcement who-done-it. The cases date to the middle 1970s, when the Boston-based owners of World Jai Alai, which operated the fronton in Hartford and others in Florida, decided to sell.

The owners hired Callahan as president. At the time, Callahan was an associate of the Winter Hill gang and was reputed to be the organization's financial expert. Callahan in turn hired retired FBI agent H. Paul Rico as his head of security. Rico was a legendary, if unorthodox, organized crime investigator from Boston who had recruited Bulger and Flemmi as informants.

Rico negotiated two potential sales, but both collapsed under bad publicity. The prospective buyers either represented or were rumored to be affiliated with organized crime figures.

Eventually, World Jai Alai's bankers arranged a sale to Roger Wheeler, a Tulsa, Okla. businessman who had made a fortune in the telecommunications industry.

Almost immediately, Wheeler began worrying that criminals from New England were trying to infiltrate his business. At about the same time, Callahan was forced to resign when authorities in Connecticut discovered his Winter Hill connections. Wheeler decided to sell his Hartford fronton and consolidate his operations far away in Florida.

Wheeler was shot between the eyes at his Tulsa country club in March 1981. Seven months later, a disaffected Winter Hill leg breaker named Edward Brian Halloran told the FBI that Bulger, Flemmi and Callahan tried to give him the contract to murder Wheeler. Halloran said additionally that Rico was in on the plan. Rico denies it.

Agents in the FBI's Boston office dismissed Halloran and never shared his information with investigators in Connecticut and Oklahoma, who were furiously investigating the Wheeler homicide. Shortly afterward, Halloran was gunned down on a Boston Street.

A retired FBI supervisor testified before Wolf last winter that he leaked Halloran's information, expecting that it would wind up with Bulger and Flemmi.

Two months later, Callahan's body was found stuffed in the trunk of his Cadillac at the Miami airport.

The hearings, which have reinvigorated the investigations, arise from efforts by Flemmi and three other gangsters to dismiss a 1995 racketeering indictment. The indictment was returned after the FBI, confronted by a mountain of evidence against Bulger and Flemmi, was forced to drop them as informants.

Bulger was also indicted. But Flemmi said Bulger was tipped off by a corrupt FBI agent and he remains a fugitive.

Flemmi is arguing that the charges against him should be dropped because the FBI promised him immunity for being an informant. His codefendants argue that the charges against them are based on a corrupt and improper relationship between the FBI and informants such as Bulger and Flemmi.

Caption:
Memo:
Keywords:

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Published: 07/23/1998 Edition: STATEWIDE
Page: A1 Type:
Section: MAIN Source: EDMUND MAHONY; Courant Staff Writer
Column: Series:

# SOURCES: GANGSTER ADMITS TO JAI ALAI KILLING

A powerful Boston gangster has admitted killing one-time World Jai Alai President John B. Callahan, providing the biggest break yet in a frustrating 17-year investigation of corruption and death in the jai alai industry, sources said.

John Martorano, 57, who shocked underworld associates last week when he decided to offer to cooperate with the government, has told detectives that he shot Callahan to death in Miami in 1982, law enforcement sources familiar with the matter said.

Under Callahan, World Jai Alai ran frontons in Hartford and south Florida.

Martorano's admission would have the potential to redirect the case, which in recent months has shifted much of its focus from mob penetration of the jai alai industry to allegations of corrupt behavior by FBI agents in Boston.

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.

In fact, when making his offer to cooperate, sources said, Martorano said he would speak with Massachusetts State Police and agents of the federal Drug Enforcement Administration only if the FBI is frozen out of the relationship.

Martorano, his attorney, prosecutors and U.S. District Judge Mark Wolf were still arguing over the terms of Martorano's cooperation early this week. By mid-week, it was still not assured.

If his cooperation is forthcoming, a number of investigators associated with the jai alai cases over the years say, they believe it may be the best hope yet for closure of cases many have considered moribund for years.

According to the investigative theory shared by detectives around the country, the jai alai cases are a textbook example of organized crime's insidious ability to penetrate legitimate businesses and co-opt law enforcement agents.

Callahan, a high-living Bostonian, was president of World Jai Alai from 1974 to 1976. He was also an associate of Boston's Winter Hill gang.

About the time Callahan was at World Jai Alai, ***James ``Whitey'' Bulger*** and Steven ``The Rifleman'' Flemmi were taking control of the Winter Hill gang. Bulger and Flemmi also happened to have been, for decades, the two most important informants for the FBI's Boston division.

Callahan was forced to resign from World Jai Alai in 1976, after the Connecticut State Police caught him socializing with Winter Hill members at such night spots as Boston's Playboy Club.

Three years later, Tulsa, Okla., millionaire Roger Wheeler Sr. bought World Jai Alai. Almost immediately, he began expressing concern to friends, family and detectives in Connecticut that his business had been penetrated by gangsters who were raking off the profits.

In May 1981, Wheeler was shot between the eyes after a round of golf at his Tulsa country club.

A year later, Edward Brian Halloran, a disaffected Winter Hill associate who was trying to become a protected witness for the FBI, was gunned down on the Boston waterfront.

Halloran had told FBI agents that Callahan, Bulger and Flemmi arranged Wheeler's death to protect some financial ``action'' that Callahan had in World Jai Alai. Halloran said Martorano would be involved as would H. Paul Rico, an FBI agent who recruited Flemmi as an informant and then went to work for Callahan at World Jai Alai after retiring from the bureau.

Rico, through his attorney, has denied the accusation.

FBI agents in Boston decided that Halloran's information about

their two prized informants was not credible and denied him entry into the witness protection program. He was soon assassinated.

Two months later, Callahan's body was found in the trunk of his Cadillac at an airport garage in Miami. Whoever shot him left a dime on his chest, a message that Callahan's killers believed he was, or was about to become, an informer.

In the weeks immediately preceding Callahan's shooting, detectives representing Connecticut, Tulsa and the FBI were planning strategy to pressure Callahan into cooperating in the investigation of Wheeler's murder. They never got the chance.

Bulger and Flemmi were cut loose as FBI informants earlier this decade after accusations of their involvement in criminal activity became impossible to ignore. They were indicted for racketeering three years ago, along with Martorano and two other top New England gangsters.

Bulger is a fugitive. Flemmi has said Bulger was tipped to the indictment by a friend in the FBI.

Flemmi, Martorano and the others under indictment are trying in pretrial hearings to get the charges against them dismissed, arguing they are based largely on an improper relationship between FBI agents and the informants.

Disclosures at the hearings indicate that FBI agents repeatedly protected Bulger and Flemmi. The two informants were tipped off about a gambling investigation and kept out of a horse race-fixing indictment while socializing with and giving money and gifts to FBI agents.

There also was a strong suggestion, made under oath by an FBI agent, that Bulger and Flemmi may have been made aware that Halloran was providing information against them.

Flemmi is expected to testify next month, and investigative sources have speculated that that may have had some bearing on Martorano's offer to cooperate now.

At the time of Callahan's murder, Martorano was a fugitive on a race- fixing indictment and there is evidence he was living, at least part of the time, in a condominium Callahan owned in south Florida.

FD-350 (Rev. 12-5-78)

(Indicate page, name of newspaper, city and state.) 22
THE HERALD AMERICAN
BOSTON, MA.

Date: 1/7/82
Edition: MORNING

Title: FRAMINGHAM STATE PRISON

Character:
or
Classification:
Submitting Office: BOSTON

(Mount Clipping in Space Below)

# Prison drug and gaming ring busted

By PAUL CORSETTI and JAMES O. WELCH

Male and female inmates at Framingham State Prison, using an inmate-controlled computer and telephone, allegedly "pulled the strings" on a New England-wide drug and gaming operation from within the prison walls.

Following a raid by 200 State Police troopers yesterday morning, 34 male inmates at the state's only male-female prison were transferred back to maximum-security jails and five people from towns outside Boston were arrested in connection with the ring.

A complete shakedown at Framingham was still taking place last night as investigators probed for more clues to the extent of the heroin-sports gambling operation.

Initial reports saying antiwar activist and inmate Susan Saxe was involved in the ring were dispelled late yesterday when a source said she was not a "ringleader" as had been alleged earlier.

In mid-April, according to Middlesex County Assistant District Attorney Peter Agnes Jr., state Corrections Commissioner Michael Fair outlined allegations of a corrupt prison that included the inmate-controlled ring.

Two State Police troopers, William Shaunnessey and Robert Friend, began to review inmate telephone tolls from the prison and, in midsummer, pieced together a portion of the operation.

An October raid on a gaming "office" at 112 Saratoga St. in East Boston took police deeper inside the maze of the ring and, at that time, telephones inmates use in the prison were tapped.

Although the investigation is far from complete, police say the heroin distribution ring originated with an organized-crime family in New York and allegedly involved organized-crime figures and convicted murderers Henry Tameleo, 60, of Cranston, R.I. and Joseph L. Salvatti, 49, of the North End.

Confiscated at five greater Boston locations yesterday were $10,000 in cash, two automobiles, several weapons and 275 bags of heroin valued at $13,570.

Arrested in connection with the ring were Salvatore A. Lonano and his wife, Darlene, of Somerville; Anthony Desimone of Boston; Stephen Summa of Malden and Joseph Curcuru of Billerica, all charged with various drug offenses.

182-1021-12

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SERIALIZED FILED
FBI - BOSTON

EXHIBIT 733

(Indicate page, name of newspaper, city and state.) 28

THE BOSTON GLOBE
BOSTON, MA.

Date: 1/7/82
Edition: MORNING

Title: FRAMINGHAM STATE PRISON

Character:
or
Classification:
Submitting Office: BOSTON

(Mount Clipping in Space Below)

# ... raid prison drug, gambling center

Hundred state troopers converged on the Massachusetts Correctional Institution at Framingham early yesterday as part of what officials called the largest coordinated law enforcement operation in the history of Massachusetts. It was described as part of a five-state effort to crack down on organized crime.

Additional, smaller raids were conducted yesterday in the metropolitan Boston area, in which drugs and firearms were confiscated and arrests made. "Project Upper Crust," as law enforcers called it, culminated years of investigation, according to the office of Middlesex Dist. Atty. John J. Droney, which coordinated the effort.

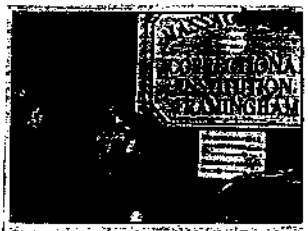
Much secrecy surrounded the operation at the Framingham facility, which officials said was aimed at an alleged narcotics and gambling operation. As of last night, officials were not disclosing the names of inmates, prison staff members or outsiders believed involved in illegal activities.

Middlesex County Assistant Dist. Atty. Peter W. Agnes said at an early afternoon press conference yesterday that "a major narcotic drug network in the Boston and Boston metropolitan area was being conducted by inmates at MCI-Framingham in association with other persons whose identity cannot be revealed at this time."

There were early reports yesterday from officials involved in the Framingham raid that these inmates had used the facility's computer room for narcotics and gaming operations and that prison staff members did not have a key to that room.

One law enforcement official said the inability of correction officers to unlock the door to the room had been the subject of complaints to Correction Department officials for several years.

Investigators were not certain if the computers themselves were used to process information about gaming and narcotics.




State troopers confer outside the Framingham correctional facility, where 200 police staged a raid on what officials called a narcotics ring and gambling operation. AP PHOTO

Agnes refused to confirm or deny reports that prisoners had sole access to the room. "The subject of control and access will have a bearing on evidence given to the grand jury," he said in the interview.

At the press conference, Agnes said that officials had seized records of the inmate employment group "Computer Systems Program-RAID. Page 28

182-1021-11

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FBI - BOSTON

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Continued from Page 1

ming which has received national acclaim over the past five years as a model rehabilitation program. He said the investigation showed that the group "has perpetrated a colossal fraud on the Commonwealth of Massachusetts."

Agnes said the inmates apparently had contracted with and paid "significant amounts of money" for computer-related services to individuals outside the prison, who, in turn, had not filed tax forms with the state Department of Revenue.

Early reports indicated that Susan E. Saxe, an antiwar activist convicted in 1977 of manslaughter, may have headed the computerized operation at the prison.

Agnes refused to confirm or deny these reports, saying, "I have no comment because I don't want to prejudice our case."

Saxe, who had pleaded guilty in the shooting death of a Boston patrolman during a 1970 Brighton bank robbery, reportedly is up for parole this year.

One investigator said Saxe's alleged role was "overblown" in early reports. If she were involved, he said, her role would have been peripheral. "She happened to be there in the computer room and that's all I can tell you," he said.

There were also reports that some prison officials were involved in the illegal operations. When Agnes was asked during the telephone interview whether any personnel at the institution had been suspended as a result of the crackdown, he said, "not at this time."

Before the raid, there were 170 female and 34 male inmates at the Framingham institution. But immediately after the raid all the male inmates were transferred to maximum security facilities which Agnes did not identify.

Commissioner of Correction Michael Fair would not positively link the male inmates with the gaming operation. He said only, "This will be the end of the coed institution at MCI-Framingham. We are desperately in need of additional female beds for the commonwealth."

Fair also would not say why the inmates were transferred during the shakedown except to comment, "Our operational plan called for the element of surprise."

Agnes, however, said the transfer of the men is "something I can't say was wholly unrelated" to the illegal operations.

None of the inmates was allowed to meet with his lawyer yesterday. Prison officials said they lacked sufficient manpower to provide attorney interviews while officials conducted a thorough search of the institution for contraband.

Calling that excuse "bogus," John Reinstein, who represented Saxe, and several attorneys representing other inmates filed suit in US District court yesterday afternoon, claiming that they were unconstitutionally denied access to their clients.

As a result of eight search warrants also executed yesterday in Middlesex and Suffolk counties for persons, residences and vehicles believed to be involved in the narcotics trafficking, five persons were arrested, Assistant Dist. Atty. Agnes said.

He added that officials also seized 275 bags of a substance believed to be heroin, two weapons, almost $10,000 in cash and two automobiles.

Those arrested were identified by Agnes as:

- Salvatore A. Lonardo and Darlene Lodano, 122 Cross st., Somerville; charged with possession of heroin with intent to distribute, conspiracy, and possession of cocaine.
- Anthony D. Desimone, 221 East Eagle st., East Boston; charged with possession of heroin with intent to distribute and a gun law violation.
- Stephen Summa, 167 Linden av., Malden; charged with possession of cocaine.
- Joseph Curcuru, 7 Senna terrace, Billerica; charged with possession of cocaine.

*Contributing to this report were staff reporters Robert B. Carr, Richard J. Connolly, George Croft, James H. Hammond, Edward Quill and Gerard F. Weidmann, and contributing reporters Nancy Bauer and Henry Hryniewicz.*

(Mount Clipping in Space Below)

(Indicate page, city and state.) 40
THE BOSTON GLOBE
BOSTON, MA.

Date: 3/28/82
Edition: SUNDAY

Title: FRAMINGHAM STATE PRISON

Character: IGB
or
Classification: 182-1021* BS
Submitting Office: BOSTON

Indexing:

# NEW ENGLAND NEWS BRIEFS

## Prison probe indictments

A Middlesex County Grand Jury has handed up more indictments in the continuing investigation into drug dealing, gaming, institutional corruption and other offenses at Framingham state prison. The latest indictments, naming seven persons, are for keeping a gambling establishment within the prison, using the telephone to place bets on athletic contests, and conspiracy to commit these two offenses. The indictments arose from several months of investigation culminating in a raid on the prison Jan. 6.

The new indictments bring to 16 the number of persons indicted as a result of the raid. Named in the indictments are Henry Tameleo, Benjamin DeChristoforo, Joseph Salvati, and Frank Imbraglia, all inmates at Framingham at the time of the raid and now at other prisons; Louis Lofty and Alfred R. Germano, both of Milford, and Rody Squires of Somerville.

182-1021-15

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FBI - BOSTON

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FBI/DOJ

EXHIBIT
736

GRANTING COMMUTATION HEARING

PETITIONER: PETER LIMONE
OFFENSE: MURDER First Degree

SENTENCE: Life

EFFECTIVE DATE: 11-1-67
DATE PETITION RECEIVED: 2-17-82

____ GRANT
✓ DENY
____ DENY W/O PREJUDICE

[redacted] DATE: 2/18/82

COMMENTS: This commutation would be very hard to explain or defend ~~[illegible]~~ under our present guidelines

____ GRANT
✓ DENY
____ DENY W/O PREJUDICE

[redacted] DATE: 2/18/82

COMMENTS: Cooperating note of [illegible]

[redacted]

____ GRANT
____ DENY
____ DENY W/O PREJUDICE

[redacted] DATE: 2/25/82

COMMENTS: Murder for hire. Impressive inst record. May take another look after 15 years
Kevin P. Burke

____ GRANT
✓ DENY
____ DENY W/O PREJUDICE

[redacted] DATE: 2/18/82

COMMENTS: On the surface, things appear to progressing satisfactorily. But this petit[illegible] comes much too soon after previous deni[illegible] The burden is much heavier with this kind of [illegible]

EXHIBIT 735

____ GRANT
✓ DENY
____ DENY W/O

[redacted] DATE: 3/29/82

COMMENTS: Subject denied hearing on May 1981. Filed [illegible] for reconsideration since the guidelines to be followed they [illegible] - [illegible] this is not an exceptional case

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 99-10428 - JLT |
| | : | |
| v. | : | Racketeering |
| | : | (18 U.S.C. §1962(c)) |
| JOHN J. CONNOLLY, JR. and | : | |
| STEPHEN FLEMMI | : | Racketeering Conspiracy |
| | : | (18 U.S.C. §1962(d)) |
| | : | |
| | : | Conspiracy to Obstruct Justice |
| | : | (18 U.S.C. §371) |
| | : | |
| | : | Obstruction of Justice |
| | : | (18 U.S.C. §§1503, 1512) |
| | : | |
| | : | False Statement |
| | : | (18 U.S.C. §1001) |

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE - Racketeering
(John J. Connolly, Jr.)

GENERAL ALLEGATIONS

1. From November 1968 to December 1990, the defendant JOHN J. CONNOLLY JR. ("CONNOLLY") was a Special Agent of the Federal Bureau of Investigation ("FBI"). From February 1973 until his retirement in December 1990, CONNOLLY was assigned to the Boston Field Office of the FBI.

2. At all times material to this Indictment, the "Winter Hill Gang" was a clandestine

[redacted]

000162

EXHIBIT
736

McDonald and Sims in obtaining an apartment in the Greenwich Village section of New York City while they remained fugitives.

40. During that time, Richard Castucci also was a confidential informant of the FBI. In the latter part of 1976, Castucci began to provide the FBI with specific information regarding the whereabouts of McDonald and Sims.

41. In late 1976, in the District of Massachusetts, CONNOLLY did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in a case captioned United States v. Sims et al., Cr. No. 359G (D. Mass.), in the District of Massachusetts, by providing confidential law enforcement information to Bulger which alerted him to the fact that Richard Castucci was a confidential informant of the FBI, with intent to thwart the arrest and prosecution of Joseph McDonald and James Sims in United States v. Sims, Cr. No. 359G (D. Mass.), in violation of Title 18, United States Code, Sections 1503 and 2.

42. On or about December 29, 1976, as a result of being informed of Castucci's relationship with the FBI, members of the Winter Hill Gang murdered Richard Castucci to prevent the capture of Joseph McDonald and James Sims.

**Racketeering Act #8**

43. CONNOLLY committed the following acts, any one of which alone constitutes Racketeering Act #8.

**Racketeering Act #8A**

44. On May 27, 1981, Roger Wheeler was shot to death in the parking lot of the Southern Hills Country Club in Tulsa, Oklahoma.

45. Shortly thereafter, a Federal Grand Jury for the Northern District of Oklahoma began an investigation into the murder of Roger Wheeler.

46. In or about January 1982, Brian Halloran approached the FBI in Boston, Massachusetts and offered to cooperate in the investigation of the Roger Wheeler homicide.

47. Brian Halloran told FBI Agents Gerald Montaneri and Leo Brunnick that Bulger and Flemmi, along with John Callahan and John Martorano, not named as defendants herein, had caused Roger Wheeler to be murdered.

48. As a Supervisory Special Agent in the FBI's Boston Office, John Morris learned of the information that Brian Halloran had provided to Special Agents Montaneri and Brunnick.

49. John Morris told CONNOLLY that Halloran had implicated Bulger and Flemmi in the Roger Wheeler homicide.

50. In or about April 1982, the exact date being unknown, in the District of Massachusetts, CONNOLLY did corruptly endeavor to influence, obstruct, and impede the due administration of justice in a federal grand jury sitting in the Northern District of Oklahoma and investigating the murder of Roger Wheeler, by providing confidential law enforcement information to Bulger and Flemmi which alerted them to the fact that Brian Halloran had provided information about the murder of Roger Wheeler in Tulsa, Oklahoma on May 27, 1981, in order to prevent Halloran's further cooperation and testimony, in violation of Title 18, United States Code, Section 1503.

51. Bulger and others then caused Brian Halloran to be murdered in Boston, Massachusetts on May 11, 1982, in order to prevent his further cooperation with law enforcement authorities and to prevent his testimony before a federal grand jury investigating the

murder of Roger Wheeler.

**Racketeering Act #8B**

52. Paragraphs 44 through 49 and paragraph 51 of Racketeering Act #8A are realleged in this Racketeering Act and are incorporated by reference as if fully set forth.

53. In or about April 1982, the exact date being unknown, in the District of Massachusetts, CONNOLLY did wilfully endeavor by means of intimidation and force and threats thereof to obstruct, delay, and prevent the communication of information by Brian Halloran to a criminal investigator relating to a violation of a criminal statute of the United States, by providing confidential law enforcement information to Bulger and Flemmi which alerted them to the fact that Brian Halloran had provided information about the murder of Roger Wheeler in Tulsa, Oklahoma on May 27, 1981, in violation of Title 18, United States Code, Section 1510 (later recodified at Section 1512) and 2.

**Racketeering Act #9**

54. CONNOLLY committed the following acts, any one of which alone constitutes Racketeering Act #9.

**Racketeering Act #9A**

55. The allegations contained in Paragraphs 44 through 49 and Paragraph 51 of Racketeering Act #8A are realleged in this Racketeering Act and are incorporated by reference as if fully set forth.

56. In or about June, 1982, CONNOLLY told Bulger and Flemmi that John Callahan was sought as a witness in the Wheeler homicide investigation.

57. In or about June 1982, the exact date being unknown, in the District of

that employees who remained loyal to Callahan were doing the skimming. Later, Halloran said, Callahan told him he wasn't needed and the murder was carried out by Bulger, Flemmi, and John Martorano.

Despite the significance of Halloran's account, authorities in Oklahoma say the FBI in Boston never shared it with them.

Instead, FBI agent Morris said he passed along word to Connolly that Halloran was cooperating with another squad in the FBI against his two prized informants.

Morris testified that Connolly then told Bulger and Flemmi that Halloran had implicated them in Wheeler's murder, prompting Connolly to file an informant report from Bulger arguing that "there was no way that they would have been involved with Halloran in connection with anything, let alone murder."

Ultimately, the FBI, along with Strike Force Chief O'Sullivan, concluded that Halloran was unreliable and turned him away from an FBI safe house on Cape Cod.

Weeks later, on May 11, 1982, Halloran was gunned down as he left a bar on Northern Avenue in South Boston. Callahan, being sought for questioning as a potential witness in the Halloran and Wheeler slayings, was found murdered three months later in Miami.

In a recent interview, Connolly said he "absolutely never" told Bulger and Flemmi that Halloran had turned FBI informant against them before he was killed. Connolly said he filed reports before Halloran's death noting that Bulger claimed the Mafia was going to kill Halloran.

The fallout from the investigation spread within the FBI, as agents in Oklahoma City and Miami accused the Boston office of stonewalling about Wheeler and Halloran.

The distrust spilled over into the Boston office, as the agent assigned to the Wheeler case accused Connolly of "rifling" his file and leaking information to Bulger and Flemmi that would help them establish alibis. Connolly vehemently denies the charge.

At first, Connolly refused to call in Bulger and Flemmi to have them photographed so investigators in Oklahoma could show their pictures to potential witnesses. According to recent testimony by James Ring, who was then supervisor of the organized-crime squad, Connolly became "defensive" about the photo request, arguing that Bulger and Flemmi had proclaimed their innocence. Connolly relented

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 99-10428 - JLT |
| | : | |
| v. | : | Racketeering |
| | : | (18 U.S.C. §1962(c)) |
| JOHN J. CONNOLLY, JR. and | : | |
| STEPHEN FLEMMI | : | Racketeering Conspiracy |
| | : | (18 U.S.C. §1962(d)) |
| | : | |
| | : | Conspiracy to Obstruct Justice |
| | : | (18 U.S.C. §371) |
| | : | |
| | : | Obstruction of Justice |
| | : | (18 U.S.C. §§1503, 1512) |
| | : | |
| | : | False Statement |
| | : | (18 U.S.C. §1001) |

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE - Racketeering
(John J. Connolly, Jr.)

GENERAL ALLEGATIONS

1. From November 1968 to December 1990, the defendant JOHN J. CONNOLLY JR. ("CONNOLLY") was a Special Agent of the Federal Bureau of Investigation ("FBI"). From February 1973 until his retirement in December 1990, CONNOLLY was assigned to the Boston Field Office of the FBI.

2. At all times material to this Indictment, the "Winter Hill Gang" was a clandestine



EXHIBIT
741

murder of Roger Wheeler.

**Racketeering Act #8B**

52. Paragraphs 44 through 49 and paragraph 51 of Racketeering Act #8A are realleged in this Racketeering Act and are incorporated by reference as if fully set forth.

53. In or about April 1982, the exact date being unknown, in the District of Massachusetts, CONNOLLY did wilfully endeavor by means of intimidation and force and threats thereof to obstruct, delay, and prevent the communication of information by Brian Halloran to a criminal investigator relating to a violation of a criminal statute of the United States, by providing confidential law enforcement information to Bulger and Flemmi which alerted them to the fact that Brian Halloran had provided information about the murder of Roger Wheeler in Tulsa, Oklahoma on May 27, 1981, in violation of Title 18, United States Code, Section 1510 (later recodified at Section 1512) and 2.

**Racketeering Act #9**

54. CONNOLLY committed the following acts, any one of which alone constitutes Racketeering Act #9.

**Racketeering Act #9A**

55. The allegations contained in Paragraphs 44 through 49 and Paragraph 51 of Racketeering Act #8A are realleged in this Racketeering Act and are incorporated by reference as if fully set forth.

56. In or about June, 1982, CONNOLLY told Bulger and Flemmi that John Callahan was sought as a witness in the Wheeler homicide investigation.

57. In or about June 1982, the exact date being unknown, in the District of

Massachusetts, CONNOLLY did corruptly to endeavor to influence, obstruct, and impede the due administration of justice in a federal grand jury sitting in the Northern District of Oklahoma and investigating the murder of Roger Wheeler, by providing confidential law enforcement information to Bulger and Flemmi which alerted them to the identity of a witness who was being sought to testify in the Wheeler homicide investigation, in order to prevent the witness's cooperation and testimony, in violation of Title 18, United States Code, Section 1503.

58. Acting in response to CONNOLLY'S information, Bulger and Flemmi caused John Callahan to be murdered in Fort Lauderdale, Florida on or about August 1, 1982, in order to prevent his cooperating with law enforcement authorities and to prevent him from being able to provide testimony in the Wheeler homicide investigation.

**Racketeering Act #9B**

59. Paragraphs 55 through 56 and paragraph 58 of Racketeering Act #9A are realleged in this Racketeering Act and are incorporated by reference as if fully set forth.

60. In or about June 1982, the exact date being unknown, in the District of Massachusetts, CONNOLLY did wilfully endeavor by means of intimidation and force and threats thereof to obstruct, delay, and prevent the communication of information by John Callahan to a criminal investigator relating to a violation of a criminal statute of the United States, by providing confidential law enforcement information to Bulger and Flemmi which alerted them that Callahan was sought as a witness in the Wheeler homicide investigation, in violation of Title 18, United States Code, Section 1510 (later recodified at Section 1512) and 2.

**Racketeering Act #10**

61. In or about June 1988, Supervisory Special Agent John Morris learned that other

FD-533
(REV. 8-7-81)

# FEDERAL BUREAU OF INVESTIGATION

## PERFORMANCE APPRAISAL REPORT

Employee Biographical Page
(Refer to Administrative Manual for Performance Appraisal for instructions regarding the use of this form.)

Payroll Name MORRIS JOHN M
Social Security Number [redacted]
Position Title SUPERVISORY SPECIAL AGENT
Position Number GM 1811 14 78-FD-213

Cost Center Number 3090 BOSTON
Merit Pay Indicator M-1
Grade/Step and Salary GM 14 00 $44,486.00
Effective Date of Last Grade Change 3/15/78
Date Due Within-grade Increase/Step Increase 9/ 0/00

Type of Appraisal

A [X] Annual
I [ ] Annual incorporating Prior Administrative Appraisal(s)
C [ ] Conversion of Administrative Appraisal(s) to Annual
P [ ] Presumptive Annual
S [ ] Administrative - Type _____

Projected Annual Appraisal Period 7/ 1/81 to 6/30/82

Appraisal Period 7/7/81 to 6/30/82
(Actual period of time covered by this report if different from projected annual)

CURRENT APPRAISAL

List adjective rating of individual critical elements from lowest to highest level with respective identifying number below.

| #1 | #2 | #3 | # | # | # | E |
|---|---|---|---|---|---|---|
| EXCEPTIONAL | SUPERIOR | EXCEPT. | | | | |

Overall Adjective Rating EXCEPTIONAL Numerical Average 4.16

[ ] Check here if above information duplicates that of most recent administrative appraisal.

Administrative Appraisal(s) Considered in Annual Appraisal

| Appraisal Period(s) | Adjective Rating(s) |
|---|---|
| _____ to _____ | _____ |
| _____ to _____ | REC-145 67 69-3564-79 17 |

Composite Adjective Rating _____
(Only for annual appraisals which are based on the incorporation or conversion of administrative appraisals)

Adjective rating for last two annual appraisals (nonmerit pay employees only)

Year _____ Adjective Rating _____
Year _____ Adjective Rating _____

My signature and/or initials on this page of the Performance Appraisal Report and on the attached FD-593a, FD-593b and FD-593c indicates only that I have reviewed each page, not that I am necessarily in agreement with the information thereon or that I am relinquishing my right, if any, to grieve this appraisal.

John M. Morris
Signature of Employee

EXHIBIT 242

OCT 26 1982

FD 593a (Rev. 5-13-81)

Federal Bureau of Investigation

EVALUATION PAGE

(Refer to Administrator's Manual for Performance Appraisal for instructions regarding the use of this form.)

JOHN M. MORRIS [redacted]

Payroll Name of Employee — Social Security Number

Comment below on actual performance to justify the adjective rating level for each element. Use additional pages as necessary.

Critical Element # 1 as listed on the Performance Plan — Effective Dates 7/7/81 to 6/30/82 — Adjective Rating EXCEPTIONAL

Supv. Morris maintains an exceptional rapport with members of his squad and has established a systematic interaction with them on both a formal and informal basis. He has done an outstanding job in promoting morale and esprit de corps through direct supervision of Top Echelon Organized Crime informants and Organized Crime cases on his squad. 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. By example, his subordinates equally strive toward an expertise concerning informant development, use of investigative techniques, and reaching goals and objectives established by Supv. Morris in the Organized Crime area.

His experience and expertise is regularly sought by other supervisors and on occasion, by Bureau officials who recognize his knowledge and the application of that knowledge in the day-to-day direct supervision of his subordinates. He frequently consults with the SAC and ASACS enabling the management staff to effect police through his expert and exceptional input on information and attention to Organized Crime procedures.

He merits an exceptional rating with regard to his control and direction of subordinates on his squad.

Critical Element # 2 as listed on the Performance Plan — Effective Dates 7/7/81 to 6/30/82 — Adjective Rating SUPERIOR

Supv. Morris during the past rating period, and as a result of his own initiativ has generated a superior relationship with Organized Crime organizations within the Boston Police Department, Massachusetts State Police, Drug Enforcement Administration, Internal Revenue Service, and Strike Force. Several of his joi investigations, although long term in nature and employing sophisticated techniques, has resulted in superior intelligence information with imminent prosecutive accomplishments.

He enjoys a personal relationship with most high ranking law enforcement and prosecutorial officials, particularly in the area of Organized Crime. He, on his own initiative develops continuing external contacts persuading these agenc heads to adapt FBI priorities and procedures regarding Organized Crime. With minimal supervision, he serves as an influential member of the Organized Crime Subcommittee for the Law Enforcement Coordinating Committee in the District of Massachusetts.

His liaison extends to the academic area where he often engages in public speaking before groups at Northeastern University Graduate School of Criminal Justice, and in workshops at a national conference level regarding Organized Crime and narcotics. Recently he chaired a very influencial segment of Organi Crime Seminar sponsored by U. S. Department of Justice held in Washington, D.C. Supv. Morris merits a superior rating.

Initials of Employee

FBI/DOJ

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,

67-458484-177
REC-126
Searched ..... Numbered .....
3 AUG 6 1982

William H. Webster

William H. Webster
Director

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)
msb

Enclosure to Miami
SAC Miami.

Exec AD Adm. ____
Exec AD Inv. ____
Exec AD LES ____
Asst. Dir.:
Adm. Servs. ____
Crim. Inv. ____
Ident. ____
Inspt. ____
Intell. ____
Lab. ____
Legal Coun. ____
Off. Comp. & Public Affs. ____
Rec. Mgmt. ____
Tech. Servs. ____

Telephone Rm. ____
Director Sec. ____

AUG 12 1982

JUL 20 1982

EXHIBIT
743

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);<br>OBSTRUCTION OF JUSTICE;<br>OFFICE OF PROFESSIONAL<br>RESPONSIBILITY (OPR);<br>BOSTON DIVISION;<br>OO: FBIHQ | Joshua Hochberg, PIS, DOJ<br>IIC Charles S. Prouty | tls |
| | CHARACTER OF CASE<br>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 | | | | | Notations |
|---|---|---|---|---|---|
| Agency | | | | | |
| Request Recd | | | | | |
| Date Fwd | | | | | |
| How Fwd | | | | | |
| By | | | | | |

COVER PAGE

EXHIBIT 745

| | |
|---|---|
| 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

# FEDERAL BUREAU OF INVESTIGATION

## PERFORMANCE APPRAISAL REPORT

Employee Biographical Page
(Refer to Administrator's Manual for Performance Appraisal for instructions regarding the use of this form.)

Payroll Name: CONNOLLY JOHN JR
Social Security Number: [redacted]
Position Title: SPECIAL AGENT
Position Number: GS 1811 13 78-FD-712

Cost Center Number: 3080 BOSTON
Merit Pay Indicator: N-6
Grade/Step and Salary: GS 13 05 $35,580.00
Effective Date of Last Grade Change: 12/ 5/76
Date Due Within-grade Increase/Step Increase: 11/12/83

Type of Appraisal
A (X) Annual
T ( ) Annual Incorporating Prior Administrative Appraisal(s)
C ( ) Conversion of Administrative Appraisal(s) to Annual
P ( ) Presumptive Annual
S ( ) Administrative - type

Projected Annual Appraisal Period
11/15/81 to 11/12/82

Appraisal Period 11/15/81 to 11/12/82
(Actual period of time covered by this report if different from projected annual)

CURRENT APPRAISAL

List adjective rating of individual critical elements from lowest to highest level with respective identifying number below

| S | FS | FS | E | | | |
|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | | | |

Overall Adjective Rating: Superior
Numerical Average: 3.25

Check here if above information duplicates that of most recent administrative appraisal

Administrative Appraisal(s) Considered in Annual Appraisal

| Appraisal Period(s) | Adjective Rating(s) |
|---|---|
| to | |
| to | |

REC-91 652419 114

Composite Adjective Rating
(Only for annual appraisals which are based on the incorporation or conversion of administrative appraisal(s).)

101

Adjective rating for last two annual appraisals (Ineligible pay employees only)

Year: 1981
Adjective Rating: Fully Successful
Year:
Adjective Rating:

My signature and/or initials on this page of the Performance Appraisal Report and on the attached FD-593a, FD-593b and FD-593c indicates only that I have reviewed each page, not that I am necessarily in agreement with the information thereon or that I am relinquishing my right, if any, to grieve this appraisal.

John Connolly JR
Employee

EXHIBIT
747

FD-593 (Rev. 5-13-81)

Federal Bureau of Investigation

EVALUATION PAGE

(Refer to Administrator's Manual for Performance Appraisal for instructions regarding the use of this form.)

CONNOLLY, JOHN, Jr.
Payroll Name of Employee

[redacted]
Social Security Number

Comment below on actual performance to justify the adjective rating level for each element. Use additional pages as necessary.

Critical Element # 1 as listed on the Performance Plan — Effective Dates 11/15/81 to 11/12/82 — Adjective Rating Fully Successful

Supervi

Critical Element # 2 as listed on the Performance Plan — Effective Dates 11/15/81 to 11/12/82 — Adjective Rating Fully Successful

SEE REVERSE SIDE FOR ADDITIONAL COMMENTS

Initials of Employee

SECRET/NOFORN

593a (Rev. 5-13-81)

Federal Bureau of Investigation

EVALUATION PAGE

(Refer to Administrator's Manual for Performance Appraisal for instructions regarding the use of this form.)

CONNOLLY, JOHN, Jr. — [redacted]

Payroll Name of Employee — Social Security Number

Comment below on actual performance to justify the adjective rating level for each element. Use additional pages as necessary.

Critical Element # 3 as listed on the Performance Plan — Effective Dates 11/15/81 to 11/12/82 — Adjective Rating Fully Successful

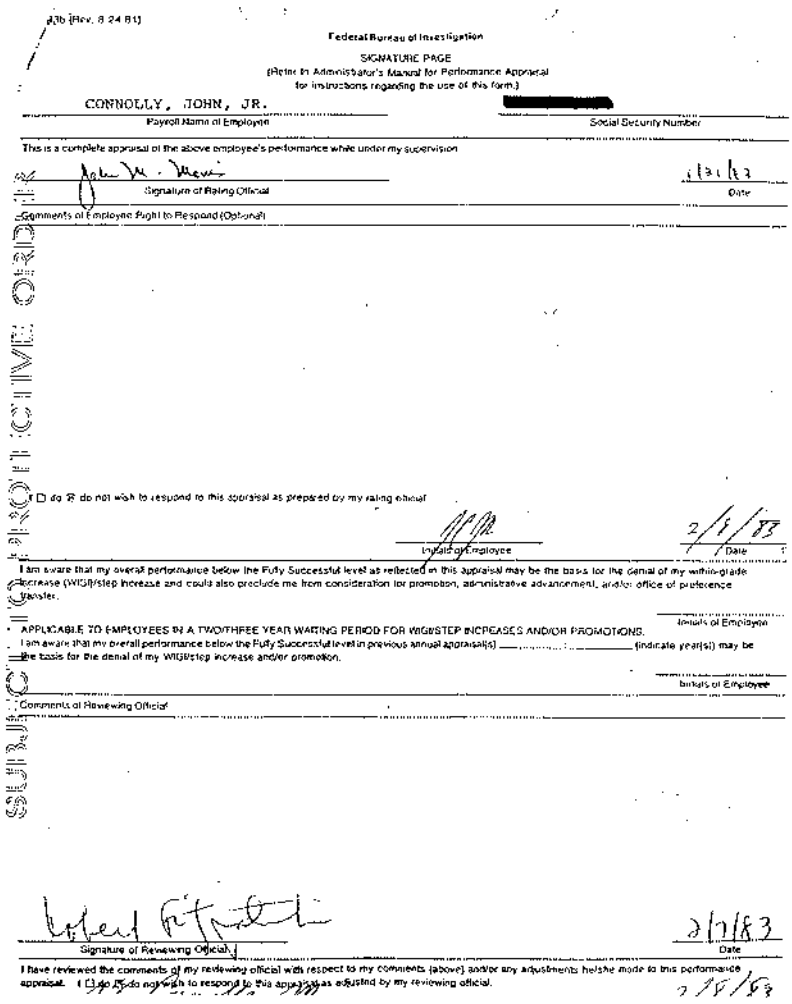
Critical Element # 4 as listed on the Performance Plan — Effective Dates 11/15/81 to 11/12/82 — Adjective Rating Exceptional

SA Connolly's performance in this area substantially exceeds the performance standards of superior and 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 brought about results exceeded by none in the Boston Division's Organized Crime Program. Most significantly, he skillfully developed a high ranking LCN figure who is presently the only bomber source in New England and one of very few developed 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.

Initials of Employee

FBI-HQAR-000000967

SECRET/NOFORN



SUBJECT TO PROTECTIVE ORDER

13b (Rev. 8 24 81)

Federal Bureau of Investigation

SIGNATURE PAGE
(Refer to Administrator's Manual for Performance Appraisal for instructions regarding the use of this form.)

CONNOLLY, JOHN, JR. — [redacted]

Payroll Name of Employee — Social Security Number

This is a complete appraisal of the above employee's performance while under my supervision

John M. Morris — 1/31/83

Signature of Rating Official — Date

Comments of Employee Right to Respond (Optional)

I ☐ do ☒ do not wish to respond to this appraisal as prepared by my rating official

[signature] — 2/8/83

Initials of Employee — Date

I am aware that my overall performance below the Fully Successful level as reflected in this appraisal may be the basis for the denial of my within-grade increase (WIGI)/step increase and could also preclude me from consideration for promotion, administrative advancement, and/or office of preference transfer.

Initials of Employee

APPLICABLE TO EMPLOYEES IN A TWO/THREE YEAR WAITING PERIOD FOR WIGI/STEP INCREASES AND/OR PROMOTIONS.
I am aware that my overall performance below the Fully Successful level in previous annual appraisal(s) _____ (indicate year(s)) may be the basis for the denial of my WIGI/step increase and/or promotion.

Initials of Employee

Comments of Reviewing Official

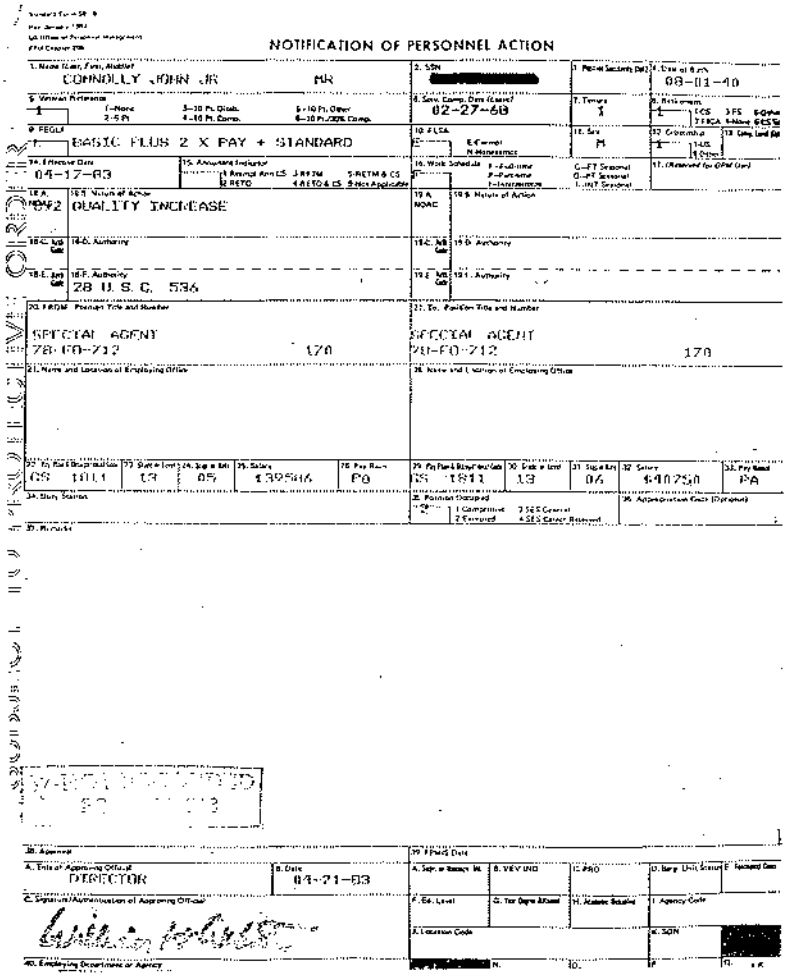
Robert Fitzpatrick — 2/7/83

Signature of Reviewing Official — Date

I have reviewed the comments of my reviewing official with respect to my comments (above) and/or any adjustments he/she made to this performance appraisal. I ☐ do ☒ do not wish to respond to this appraisal as adjusted by my reviewing official.

2/8/83

Standard Form 50-B
Rev. January 1982
US Office of Personnel Management
FPM Chapter 296



# NOTIFICATION OF PERSONNEL ACTION

| | | | |
|---|---|---|---|
| 1. Name (Last, First, Middle): CONNOLLY JOHN JR MR | 2. SSN: [redacted] | 3. Personal Security Date | 4. Date of Birth: 08-01-40 |
| 5. Veteran Preference: 1 (1-None, 2-5 Pt, 3-10 Pt. Disab., 4-10 Pt. Comp., 5-10 Pt. Other, 6-10 Pt./30% Comp.) | 6. Serv. Comp. Date (Leave): 02-27-68 | 7. Tenure: 1 | 8. Retirement: 1 (1-CS, 2-FICA, 3-FS, 4-None, 5-CS, 6-Other) |
| 9. FEGLI: 1 BASIC PLUS 2 X PAY + STANDARD | 10. FLSA: E (E-Exempt, N-Nonexempt) | 11. Sex: M | 12. Ordinance: 1 (1-US, 2-Other) |
| 14. Effective Date: 04-17-83 | 15. Annuitant Indicator: 1-Reempl Ann CS, 2-RETO, 3-RETM, 4-RETO & CS, 5-RETM & CS, 6-Not Applicable | 16. Work Schedule: F (F-Full-time, P-Part-time, I-Intermittent, C-FT Seasonal, O-PT Seasonal, L-INT Seasonal) | 17. (Reserved for OPM Use) |
| 18. A. NOAC: 2 | 18. B. Nature of Action: QUALITY INCREASE | 19. A. NOAC | 19. B. Nature of Action |
| 18. C. Mtl Code | 18. D. Authority | 19. C. Mtl Code | 19. D. Authority |
| 18. E. Mtl Code | 18. F. Authority: 28 U.S.C. 536 | 19. E. Mtl Code | 19. F. Authority |
| 20. FROM: Position Title and Number: SPECIAL AGENT 78-FO-712 170 | | 21. To: Position Title and Number: SPECIAL AGENT 78-FO-712 170 | |
| 21. Name and Location of Employing Office | | 22. Name and Location of Employing Office | |
| 22. Pay Rate Determination: GS 1811 | 23. Step or Level: 13 | 24. Step or Rate: 05 | 25. Salary: $39586 |
| 26. Pay Rate: PO | 27. Pay Rate Determination: GS 1811 | 28. Step or Level: 13 | 29. Salary: $40750 |
| 30. Pay Rate: PA | 31. Step or Rate: 06 | 32. Salary: $40750 | 33. Pay Rate: PA |
| 34. Duty Station | 35. Position Occupied: 1 Competitive, 2 Excepted, 3 SES General, 4 SES Career Reserved | 36. Appropriation Code (Optional) | |
| 37. Remarks | | | |

38. Approval

| | | | | | | |
|---|---|---|---|---|---|---|
| A. Title of Approving Official: DIRECTOR | B. Date: 04-21-83 | 39. FPMS Date: A. Sep. or Bacon. Bk. | B. VEV IND | C. PRO | D. Bargn. Unit Status | E. Recovered Date |
| C. Signature/Authentication of Approving Official: [signature] | | F. Ed. Level | G. Tax Dept. Allowed | H. Academic Discipline | I. Agency Code | |
| | | J. Location Code | | | K. SSN | [redacted] |

40. Employing Department or Agency

John F. Kennedy Federal Building
Government Center
Boston, Massachusetts 02203

December 16, 1982

Mr. Brian A. Callery
Chairman
Massachusetts Parole Board
Leverett Saltonstall Building
100 Cambridge Street
Boston, MA 02202

Re: Peter Limone

Dear Mr. Callery:

This is to acknowledge receipt of your letter dated December 7, 1982 concerning Peter Limone.

Due to an extremely heavy workload, my full response to your inquiry will be delayed. I regret I am unable to provide a full response on a more timely basis.

For your information, I have forwarded a copy of your letter to the Suffolk County District Attorney's Office, in view of the fact that Limone is incarcerated due to a conviction in that county. I have also forwarded a copy of your letter to the United States Department of Justice Organized Crime Strike Force in Boston. This letter has been discussed with them and I believe they will also be furnishing whatever response they deem appropriate.

Very truly yours,

John M. Morris
Supervisory Special Agent

EXHIBIT
748

BS 92-605
[redacted]
1.

On [redacted] advised that [redacted] is exerting pressure to get Peter Limone on the street in order to hold things together. [redacted] B

Source advised that [redacted] would be content to have Peter Limone running things while he is tied up in trials and source pointed out that Peter Limone was [redacted] in their booking operation which relationship continues to this day with Peter Limone's brother, Ninni Limone, handling Peter's end. Had Peter Limone not gone away on the Deegan murder he would be the number 2 man in the Boston LCN today.

[redacted] B

*The Commonwealth of Massachusetts*
*Advisory Board of Pardons*
*2743 Westmoreland Street, Suite 300*
*Boston, Massachusetts 02210-1606*

**MEMORANDUM**

**TO:** The Advisory Board of Pardons

**FROM:** Tammy E. Perry
Assistant to the Director

**DATE:** November 28, 1988

**RE:** **Commutation Petition of**
**Joseph L. Salvati, W 31833**

**MERITS**

Mr. Salvati indicated in his petition that he has been in prison since October 25, 1967 and that since his incarceration he has proven himself to be worthy of trust. He further indicated that as proof of his trustworthiness, he was one of the first lifers transferred to medium security at M.C.I. Framingham, that he was the first M.C.I. Walpole lifer to be allowed a furlough, that he has experienced over 160 successful furloughs and that he has never violated any trust which has been placed in him as manager of the Co-op store.

The petitioner wishes to be released from prison to enable him to provide for his family. He believes that if given the opportunity, he will prove that any such trust in him has not been misplaced.

**OFFICIAL VERSION**

On March 12, 1965 at approximately 9:30 a.m. Edward "Teddy" Deegan was killed gangland style with at least five shots from three heavy calibre revolvers at close range. This murder took place in an alleyway off of Fourth Street, near Broadway, in Chelsea. Deegan was set up for the murder believing that he was taking part in the robbery of a loan agency. It is theorized that Deegan, a 35 year old victim, entered the alley with a companion, Roy French, and was shot in the back of the head twice and four or five times in the body.



**OFFICIAL VERSION**

Joseph Baron Barboza, a self-admitted gun for hire, testified as to why Deegan died. He said the office "wanted Deegan exterminated because he had robbed the home of a member of the organization and because of his connnectin with the gangland murder of Anthony Sacramone."

Baron had been hired by another, Peter Limone, to kill Deegan. Baron, in turn, hired others to assist him in this murder and the murder of Anthony Stathopoulos, who was to assist Deegan in the planned robbery. Joseph Salvati was one of the men hired by Baron to conspire to murder Deegan and Stathopoulos. Salvati's assignment on the Deegan-Stath murder was to be the "wheel man". He also retrieved the weapons and the bullet proof vest to be used in the murders. He accompanied Baron and another to the site of the murder but departed before the murder took place due to a back-fired plan. After the murder, Salvati straightened out the registration plates of the car, which had been bent to conceal the numbers, and hid the guns. He was given $750 in cash by Baron for his part in the murder of Deegan.

**PETITIONER'S VERSION:**

There is no indication in petitioner's file as to whether or not he agrees with the official version. Mr. Salvati does not address his guilt or innocence of the offense in his petition, nor does he express any remorse.

**SENTENCE:**

On July 31, 1968 in the Suffolk Superior Court following a jury trial, the petitioner was sentenced to first degree life for accessory before the fact to the felony of murder in the first degree. The effective date of his sentence is October 24, 1967.

**SOCIAL HISTORY:**

Joseph Salvati was born on October 30, 1932 in Boston, Massachusetts to Mary (Repucci) and Anthony Salvati. Petitioner is the second of five children. He has two brothers and two sisters. The father provided for the family adequately.

**SOCIAL HISTORY:** (continued)

On August 23, 1953 at the age of 20, the petitioner married Marie Moschella also of Boston. Five children have been borne of this union, four daughters and one son. One daughter died at the age of three. She was a mongoloid. The current ages of the other four children are 34, 32, 30 and 26. The petitioner was reported to have been a good husband and father. The marriage had been a happy one with the petitioner supporting the family adequately.

To date, the petitioner has remained married to his wife. She currently resides on Wiget Street in Boston. According to a classification report dated August 3, 1988 the petitioner receives strong family support from his wife and four children. He receives weekly visits from family members which include his wife, children, parents and in-laws.

**EDUCATION:**

Mr. Salvati attended the Michelangelo School through the ninth grade. He then attended Brighton High School and graduated from there in 1951.

**EMPLOYMENT AND VOCATION:**

At the time of his arrest, the petitioner was employed as the manager at Eric's Lounge on Washington Street in Boston. He had been so employed for one month. Prior to this, the petitioner had been employed primarily as a truck driver working for various companies including the Service Express Company of Everett, the DiNapoli Trucking Company of South Boston, the Fish Transportation Company of Boston and the Central Beef Company of Roxbury. He has also worked on the fish pier loading boats. He had consistently worked steadily prior to his incarceration.

**INSTITUTIONAL EMPLOYMENT:**

Mr. Salvati's work assignments while incarcerated have included work as a janitor, a cadre cook, a Catholic Chaplain's clerk, a manager in the Co-op store, and as a cleaner on the grounds. He also worked in the canteen, the butcher shop and the plate shop. In addition, he did volnteer work as a carpenter's assistant.

SUBSTANCE ABUSE:

The petitioner's institutional record indicates that there is no history of alcohol or substance abuse.

PRIOR COURT HISTORY:

Mr. Salvati's criminal history commenced as an adult in 1955 at the age of 21. The following is a list of petitioner's court appearances:

1. Larceny. April 15, 1955; No bill.
2. Breaking and entering into a building in the nighttime. April 15, 1955; One year house of correction, suspended with three years probation (successful).
3. Possessing burglar's impelements. May 9, 1955; One year house of correction, suspended with three years probation, concurrent (successful).
4. Not keeping right. August 13, 1958; $20 paid.
5. Speeding. December 5, 1960; $15 paid.
6. Larceny. May 6, 1966; Filed.
7. Receiving stolen goods. May 6, 1966; Filed.
8. Conspiracy to steal. May 6, 1966. Filed.
9. Isolated stop arrest. July 29, 1966; Defaulted.
10. Current offenses. October 26, 1967:
    A. Accessory before fact to first degree murder (Edward Deegan). Life.
    B. Conspiracy to first degree murder (Edward Deegan). Two years house of correction.
    C. Conspiracy to first degree murder (Anthony Stathopoulos). One year house of correction, from and after.

SUBSEQUENT COURT ACTIVITY:

While incarcerated, petitioner has appeared in court on the following charges.

1. Income tax evasion. On May 27, 1982 the petitioner appeared in Middlesex Superior Court. The case was continued. No further activity has been noted in the file.

2. Illegal gambling activities. On January 6, 1982 the petitioner was transferred to MCI-Concord for alleged illicit gamblings at MCI-Framingham. He was charged with conspiracy, gaming, penalty, and telephone use for gaming purposes. On December 30, 1982 the petitioner was found not guilty of all charges.

INSTITUTIONAL HISTORY:

Mr. Salvati is 56 years of age and has been incarcerated the past 21 years. This is his first incarceration of any kind.

CHRONOLOGICAL MOVEMENT:

Mr. Salvati's institutional record indicates the following movement through the system:

| | |
|---|---|
| July 31, 1968: | Sentenced and committed to MCI Walpole |
| August 31, 1973: | Transferred to MCI-Framingham |
| December 18, 1981: | Transferred to Bay State Pre-release Center |
| January 6, 1982: | Returned to MCI-Concord (pending investigation into gambling activities) |
| January 6, 1983: | Transferred to Bay State Pre-release Center (was exonerated of all charges) |
| January 11, 1983: | Transferred to Park Drive Pre-release Center/cadre |
| January 8, 1986: | Returned to MCI-Concord (pending an investigation - nature of which is unknown) |
| June 10, 1986: | Transferred to Park Drive Pre-release Center (cleared of any wrongdoing) |
| December 14, 1976: | Returned to MCI-Concord (pending investigation, disciplinary report subsequently issued for selling watches to inmates) |
| February 20, 1987: | Transferred to Northeastern Correctional Center |
| December 30, 1987: | Returned to Old Colony Correctional Center, per Commissioner's special emergency powers |
| April 8, 1988: | Transferred to MCI-Norfolk. |

CHRONOLOGICAL MOVEMENT: (continued)

Mr. Salvati's institutional record indicates four returns to higher custody. However, the only return which appears to have been for disciplinary reasons was that of December 14, 1986. The prior two returns were for suspected wrongdoing, however, Mr. Salvati was cleared of any wrongdoing both times. The most recent return to Old Colony Correctional Center was a result of his first degree lifer status.

DISCIPLINARY RECORD:

The petitioner has received three disciplinary reports during his 21 years of incarceration. All have had guilty findings. The dates, offenses and dispositions are as follows:

| | |
|---|---|
| January 1, 1975: | Under the influence, being present where contraband is found (wine, whiskey, vodka). Guilty; 8 hours extra work. |
| June 19, 1975: | Abusive language. Guilty; warning. |
| January 6, 1987: | Disobeying an order, giving or accepting anything of value (selling watches to inmates). Guilty; 5 days isolation, suspended 30 days, recommend retain minimum status. Mr. Salvati was returned to higher custody as a result of this activity. |

PROGRAM PARTICIPATION:

Mr. Salvati's program participation has been minimal throughout his incarceration. While the petitioner has generally been consistently assigned for work positions, he has involved himself in little else. His more responsible work assignments have included being manager of the Co-op store and clerk to the Catholic Chaplain. He has also worked in the Community Program for the elderly, takng the elderly for walks and shopping. The petitioner's program involvement consists of participating in Computer Fundamentals and the furlough program at MCI-Framingham

PROGRAM PARTICIPATION: (continued)

and the Italian-American Club at MCI-Norfolk. There is also some indication of some volunteer work as a carpenter's assistant.

The petitioner also participated in the furlough program while at Bay State Pre-release Center and Park Drive Pre-release Center.

FURLOUGH INVOLVEMENT:

Mr. Salvati is currently not on positive furlough status. He is currently incarcerated at MCI-Norfolk and as of September 30, 1988, was denied a transfer to minimum security. He has successfully completed 176 furloughs. His most recent furlough was taken on November 29, 1986 from Park-Drive Pre-release Center. His first furlough was taken from MCI-Framingham on December 24, 1973.

The petitioner's furlough sponsor is his wife, Marie Salvati, of Boston. He spends his furloughs visiting with his family and speakng to church groups, youth groups and other community organizations in the North End of Boston.

PRIOR HISTORY OF APPLICATION:

Mr. Salvati has been denied a hearing on four prior occasions. The most recent denial was in December of 1986 due to Mr. Salvati's visits with a parolee, Mr. Frank Oreto. Prior petitions were denied because of the serious nature of the offense and the lack of time invested on the sentence. The petitioner's first application was denied in January of 1976.

TP:es

GRANTING COMMUTATION HEARING

PETITIONER: PETER LIMONE

OFFENSE: MURDER

SENTENCE: LIFE- FIRST

EFFECTIVE DATE: 11-1-67

DATE PETITION RECEIVED: 11-4-82

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✓ GRANT [redacted] DATE: 1.3.83 COMMENTS: Certainly a hearing is deserved based on inch[illegible] record, letters of support, [illegible] time element. I am [illegible] impressed with the [illegible] DA's letter of recommendation

___ DENY

___ DENY WITHOUT PREJUDICE [redacted]

---

✓ GRANT [redacted] DATE: 11/15/82 COMMENTS: He served 15 yrs. Appears to be a great deal of [illegible] over his involvement in crime. Serious offenders by [illegible] Brooklyn [illegible] Interrogation hearing his story.

___ DENY

___ DENY WITHOUT PREJUDICE

---

___ GRANT [redacted] DATE: 12-14-82 COMMENTS: As per my 5-26-82 vote!

✓ DENY

___ DENY WITHOUT PREJUDICE [redacted]

---

✓ GRANT [redacted] DATE: [illegible].83 COMMENTS:

___ DENY

___ DENY WITHOUT PREJUDICE [redacted]

---

✓ GRANT [redacted] DATE: 11/9/82 COMMENTS: Surely has met conditions to have a hearing, served 15 yrs. — excellent institutional record - place on next available hearing [illegible] commutation hearing

___ DENY

___ DENY WITHOUT PREJUDICE

---

___ GRANT [redacted] DATE: 1/20/83 COMMENTS:

✓ DENY This type of case [illegible] the Governor's Guidelines - I personally believe that even a hearing might reflect unfavorably on the Board's operation. There is certainly no [illegible] to a hearing. Justice is to be [illegible] served.

___ DENY WITHOUT PREJUDICE

---

✓ GRANT [redacted] DATE: 1/3/83 COMMENTS: Now that he has served 15 years on this offense & given the fact that subject has shown exceptional strides in self-development during his institutionalization, I would like to hear from him. Also [illegible] is [illegible] release in a

___ DENY

___ DENY WITHOUT PREJ

EXHIBIT 750

U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to File No.

John F. Kennedy Federal Building
Government Center
Boston, Massachusetts 02203

January 27, 1983

Mr. Brian A. Callery
Chairman
Massachusetts Parole Board
Leverett Saltonstall Building
100 Cambridge Street
Boston, MA 02202

Re: Peter Limone

Dear Mr. Callery:

With reference to your letter of December 7, 1982 concerning Peter Limone.

On November 1, 1967, Peter Joseph Limone (date of birth May 7, 1934) was convicted in Suffolk County for the March 3, 1965 gangland slaying of Edward Charles "Teddy" Deegan. On July 31, 1968, Limone, along with co-defendants Joseph Salvati, Wilfred Roy French, Henry Tameleo, Louis Greco and Ronald A. Cassesso were sentenced to death which was reduced to a first degree life sentence with no provision for parole.

Mr. Limone, along with the above co-defendants, were convicted on the testimony of Joseph Barboza Baron, a Boston area enforcer for organized crime, who became a government witness and was subsequently relocated under the Witness Security Program administered by the U. S. Marshal's Office.

On February 11, 1976, Joseph Barboza Baron was executed in gangland fashion at the corner of 24th Street and Moraga in San Francisco, California. This murder continues to be actively investigated by the Federal Bureau of Investigation, the New England Organized Crime Strike Force and the San Francisco authorities.

RECEIVED
MASS PAROLE BOARD
BOSTON, MASS.

EXHIBIT
751

JAN 28 1983

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.

Very truly yours,

John M. Morris
Supervisory Special Agent

By: James A. Ring
Acting Supervisory Special Agent

SAC, BOSTON (92-605) 3/31/83

Acting Supervisor James A. Ring

LA COSA NOSTRA
BOSTON DIVISION

On 3/30/83, SA John Connolly, Jr. set up a meeting between writer 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 presently incarcerated under life sentence without parole for murder. He was advised that this inquiry from the Parole Board requested current intelligence information regarding Peter Limone who was scheduled for a hearing before parole authorities concerning a reduction of sentence which wuld make him eligible for parole. Barry was advised that the FBI responded to this letter to the Parole Board stating that current FBI intelligence indicated that Limone was an important member of organized crime and in particular, organized crime desired Limone's immediate release from jail so that he could assist them in running their organized crime daily activities.

Secretary Barry was further advised that the FBI continued to receive intelligence information to the effect that the LCN believed they could get Limone out of jail in time to help them run things.

Barry stated that the only way Limone could be released would be if the Governor commuted Limone's sentence to a life sentence with a possibility of parole and that Limone could then appear before a Parole Board. 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 anyiillegal activities or corruption connected with the attempted release of Limone.

92 605-1190

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(1) - [redacted] F
JAR/dn
(2)

EXHIBIT
754

TO: ADVISORY BOARD OF PARDONS
FROM: Joseph Williams
Warrant & Investigation Unit
RE: PETER LIMONE
DATE: 4-22-83

Attached please find a more detailed report regarding Mr. Peter Limone.

STATEMENT:

This statement can be deemed as speculative on my part. However, subject's record clearly shows his close ties to the Anguilo Family. I would clearly call him a member of the "Family" of organized crime here in Boston.

ASSOCIATION:

Much of the information attached will indicate to the Members that subject does indeed have close involvement with organized crime.

Subject was reported to be a body guard for Jerry Anguilo and accompanied him to Florida, New York, etc. Subject went with Mr. Anguilo to meet Raymond Patriarca. Subject was Mr. Anguilo's chauffeur.

Photgraphs were taken(9-10-59)
A photo of Raymond Patriarca, Jerry Anguilo, Peter Limone, Larry Baioni, Jerry Iandoli, A. Zannino was taken outside the Pratt Diagnostic Center.

Subjects vistis and correspondence since his incarceration show the following:

He wrote to Peter Anthanas as his uncle.
He wrote to William Kazonis
Wrote to Antonio Anguilo of 95 Prince Street, Boston, in 1974...Received a visit-from him listed as his cousin.

On 7-23-68, Mr. Limone took the stand and admitted to being a moneylender but denied being a shylock. He also admitted to hanging out on Prince Street and that his friend was Danny Anguilo. In addition,, he admitted that Jay's Lounge (where he worked) was owned by the Anguilo Family.

INSTITUTIONAL PLACEMENT:

It appears that subject has been provided special consideration in his placements while incarcerated.

Although Correction's classifies subject's cadre position as "special", legally inmates must be within 18 months of their release date in order to be housed at Pre-Release.

Immediately after coming off death row, subject was assign to assist the Catholic-Chaplain.



During subject's stay at the Medfield State Hospital in 1977, the institutionhad many career criminals. In fact, D.A. Garrett Bryne attacked this program referring directly to John O'Master described as an organized crime figure who on a then recent furlough, met with a member of the Anguilo family.

EMPLOYMENT:

The attached information will clearly point out that most all of Mr. Limone's employment has been associated with organized crime.

West End Vendors: Vending Machine Operation...Subject had an associate, Skinny Kazonis who was observed outside New Lite Cafe with Ralph Lamattino, (Ralph Chong) and Joseph Lombardi.

Manager., Bartender, for Joy's Lounge (Lounge owned by Anguilo family) See newsclipping 7-24-68 by Jeremiah Murphy.

3-25-65, Subject was reported as opening a snack bar, Joy St. Boston, operated by his friend Skinny Spinelli.

8-11-65, Subject was reported to own the Continental Lounge along with Paul Bottari located at Columbus Ave. Dorchester. The clientele included Connie & Stephen Hughes (killed gangland stlye) Maxie Schachelford(Killed gangland style) and Joseph O'Toole.
Subject always had a nice car, nice home, etc.

FRANCESCA'S RESTAURANT:

Corporate Name: Fransico's Incorporated.

George Ross is President and Treasurer
Peter Athanas Director( married subject's sister)

Owner of Property:
H X Reality Inc. Trust. in the name of Rosaria and Helen Limone. Son, Peter works at this restaurant.

IN 1963, MR. PETER LIMONE WAS NAMED BY A CONGRESSIONAL HEARING AS THE YOUNGEST MEMBER OF THE RULING COSA NOSTRA COUNCIL IN NEW ENGLAND.

Peter J. Limone W-31836 dob/050734 has been in the public eye since 1963 and lately more so because of a guilty finding of 1st degree murder of an "gangland" murder on 3-12-65.

see attached photo # 1
" " so called official version of subject's 1st degree murder offense # 2

Subject has a prior criminal record dating from 1949 (Juvenile) and he started his adult record on 6-10-53 when he was arrested for Lottery at BMC, and in 1955 for Poss of Burg Imp and Attempted B&E at BMC for which he received in Suffolk Superior Court on 9-20-55 1 yr H/C suspended Probation 3 yrs. Arrested with subject was 3 other men including a Joseph J. Spinale (later called an organized crime associate) see news clipping attachment # 3.

However it wasn't until on 9-10-59 that he came to the attention of various Law Enforcement Organized Crime Units. This was when photos dated 9-10-59 were taken of Raymond Patriarca; allegedly the head of the Mafia. This was taken outside the Pratt Diagnostic Center in Boston at 4:00 PM It showed besides Raymond, subject walking with him and Jerry Angiulo. Along with them was a Larry Baioni A. Zannino and a Jerry Iandoli, all considered organized crime figures. NOTE: Photos are available upon proper subpoena to the Boston P.S.

It should be noted at this time that these people mentioned above don't let regular people associate with them, even though on occasion "they" (Mafai) inter

As a result of the photos subject became a person directly involved with organized crime, not just another criminal.

On 3-7-63 Boston Police received information that subjett giving a home address of 43 Chambers St., Boston, and going by the name of Peter was operating the West End Veterans Club, at 214 Cambridge St., Boston, Tel# LA3-9541. The club was operating without a liquor license. As a result of an investigation it was determined that liquor was being sold and that it was an alleged drop for shylocking. As a result of the above there was a search warrant on 3-24-63 Sunday at 2:00 AM. The officers of the club were President Joseph Lo Guidice of 54 Moore St., Somerville and Vice-President Salvatore Daminico of 20 Kingston St., Somerville. There were 17 men and 5 women on the premises, 2 of the men there were a Paul Bottan and William Kozonis of 43 Cross St., Somerville, known associates of subject.

In the same year 1963 subject was reported to be living at 30 Almont St., Medford 1st floor, to be running a Cigar Store at High & Congress St. and to be with his right handman of Jerry Anguilo in the number business and to be a moneylender. Subject was observed driving a 1963 Black Pontiac R56-S16 registered to his wife at 16 Winter St., Somerville. Subject was also reported to be a bodyguard for Jerry Anguilo, that during the day spends most of time at 95 Pinan St., Boston (Anguilo's alleged headquarters even today), nights at Jay's Lounge, 255 Tremont St., Boston and that when Jerry goes to Florida, N.Y., etc. subject goes with him even when Jerry meets Patriarca.

On 5-5-63 at Raymond & Patriarca'soffice in Providence, R.I. according to FBI records from a Wire Tap the following took place....."Anguilo told Patriarca in the presence of his chaffeur Peter Limone, that (a high Mass State Police Officer) had contacted Anguilo 's Bwe lick. This is the first time that Anguilo has heard from (the office) for 6 months and the fact that (the office) is in need of money"etc.etc.

NOTE: The FBI Transcript were published in Life Magazine and Boston Globe in April of 1968 after an IRS case appeal by a associate of Patriarca in R.I. They were later ordered suppressed by order of the court. This were tapes at the Lational Cigarette Service, at 168 Atwell Ave, Providence, R.I. There were months of taped conversation which was not made public until 1967.

On October 16, 1963, Wednesday the Boston Globe published a chart of Organized Crime in New England.Listed as a member in Boston was our subject.

See attachment # 4.

In 1964 subject was reported to have Skinny Kazonis as an associate in his vending machine operation to being the owner of the Indian River Country Club and to have been observed with Ralph Lamattino (Ralphie Chong) outside the New Lite Cafe (Ralph's place) along with a Joseph Lombardi

NOTE: Ralphie Chong did time for Consp to murder at the New Lite Cafe is reported to be a known member of the Mafai. Frant Oruto now doing time for murder allegedly killed the person who ratted out the information of a murder at the Nite Lite Cafe.

On 1-26-65 Jerry Anguilo was arraigned in Federal District Court for the alleged assault of a IRS Agent at the Old Timers Club on Thatcher St., Boston. Co-defendents were subject 30 yrs and William J. Cresta 30 yrs.

See attached news clipping # 5.

On 3-12-65 a Edward (Teddy) Deegan (who had a criminal record) was killed in Chelsea (subject is doing time along with 5 other codefendents for the murder) See attachment # 2.

On 3-25-65 subject was reported as opening a snack bar restaurant at Joy St., Boston operated by his friend Skinny Spinelli.

On 3-29-65 there was some property purchased at 960 Broadway, Chelsea a company which made plates. This was owned by Huntington Reality Trust (an Anguilo Brothers company) One of the Directors of the company was Rosario Limone of 16 Winder St., Somerville, Peter's brother Lozario wife)

On 8-11-65 subject was reported to own the Continenta Lounge along with Paul Bottari located at 639 Columbia Rd., Dorchester. Hanging out were Connie & Stephie Hughes. (killed later gangland style) Maxie Schachelford (killed later gangland style) and Joseph O'Toole.

On 7-12-66 subject along with Jerry Anguilo and William Cresta were found guilty of threats of the IRS Agent. They were sentenced to a Federal Penitentiary and fined $1000.

NOTE: Anguilo did his time at Billerica H/C while there he was treated like royalty based on this officers own knowledge and observations. See news clipping attachment # 6

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On November 16, 1966 Bratos an associate of Joe Barboza was killed in the Nite Lite Cafe, a bar allegedly owned by Ralph Lamattino. Bratos was attempting to raise bail for Joe Barboza locked up at the Charles St. Jail. According to Police information in the bar that night was subject. Larry Zannino AKA Larry Baioni,Phil Wagenheim, Joseph Russo, Vincent Desasio dob/080636, Frank Baelero, Harold Farmer dob/123122; Alfred Silvistri, John Cincotti, Joseph LaMattina, Leo Santaniello and Henry Zagieri.

On 4-17-67 Subject along with William Kazonis, Phil Wagenheim (an associate of Leo Santaniello (deceased naturally) were charged of Violation of Firearms Law at 264 Friend St. No End at 7:45 PM Monday.

Subject on 5-29-67 were observed at the Doval Beach Hotel in Miami, Florida with subject was William Kazonis.

On 10-26-67 subject along with others were indicted for the slaying of Deegan. See attached news clipping dated 10-26-67. #7

Subject was not arrested but fled the area. Unlawful flights warrant were made out on 10-27-67. See attached news clipping dated 10-27-67. # 8

On July 2, 1968 Joe Barboza testified against subject. Subject was described as a ranking member of the Boston Cosa Nostra(Mafia)Barboza said that subject offered him $7,500 to kill Deegan or have someone else do it. See newsclipping dated 7-2-68 #9

On 7-22-68 subject took the stand in his defense. His attorney said there was bad blood as subject had refused to fix a girl of Barbozas as a waitress who worked at a West End social club that subject was active in. See newsclippings dated 7-22-68 #10

On the stand subject said he operated a cigarette vending company and was active in the West End Club on Cambridge St. See newsclipping dated 7-23-68 #11 refer to Boston Police report dated 3-7-63 in prior pages of this report.

subject also on the stand said he was the owner of the West End Vendors, a Vending Machine Co. that he made more than $10,000 a year and paid $100 a month morgage to his home and that he (subject) was home when the payoff took place. See newsclippings dated 7-23-68 from the Traveler. #12.

Subject continuing on the stand 7-23-68 the fact was brought out that subject was in 1963 named by a Cogressional Hearing as the youngest member of the ruling Costa Nostra Council in New England, that subject admitted to being a member in the West End Veterans Club, Canal St. Boston; he also admitted to being a moneylender but denied to being a "shylock", also he admitted to hanging out on Prince St. in the North End, and that his friends were Danny Angoulo etc. and that he was real good friends with Jerry Angoulo. See newsclippings dated 7-23-68 Boston Globe. #13

Subject also stated that he sold his cigarette vending machine company and that he was now a manager, bartender for Jay's Lounge. Subject admitted that the lounge was owned by the Angoulo family. See newsclipping dated 7-24-68 by Jeremiah Murphy. #14

Subjects wife also took the stand in an attempt to give a alibi for the subject, stating he was driving with her to Childrens Hospital. However hospital records do not verify any admitance by the parties. Subject also admitted on the stand that the West End Social Club on Cambridge St. was "Limone's Club".

On 8-1-68 Subject along with others were found guilty. See newsclippings dated 8-1-68. #15

On 10-14-70 subject along with others on Death Row were given a motion for a new trail.

ne of the motions was a affidavit signed by Detective William Stuart of the Boston Police Department that he had information that the subject was innocent of the kidnapping. However it should be noted that Detective Stuart himself was aquitted 2 months earlier for accessory after the fact of the murder of William Bennett of Roxbury. (Bennett was an orgined crime leader in the Roxbury section of Boston, See Newsclippings dated 10-14-70 Globe titled "Peter Limone files appeal" etc. #17 #18

On 8-25-70 regarding a lie detector test taken by Joe Barboza there was a demonstration with a un-named relative of the subject, they said they would return with 20,000 people. See newsclippings dated 8-25-70 #19

In the meantime on 11-17-70 subject along with Larry Zannine and 2 other people were found guilty of inter-state transport of a jewerly robbery on 3-24-66. Receiving 7 years in Federal Prison. Zannine was described in the newspaper as a top leader of the Costra Nostra in New England. It was a jury trail that lasted 2 weeks. Newspaper clipping dated 11-17-70. #20,See newsclipping dated 1-20-71 #21

On 12-9-71 the Massachusetts Supreme Court ruled that the appeals by subject Casseso was not valid. See newsclipping dated 12-9-71. #22

Subject on 12-17-67 was interviewed by the Probation Department as apart of a present report. According to subject from 4/65-4/66 he was self-employed in a vending machine business on Jay St. Boston from April 1966 and as a manager of Jay's Lounge, 255 St. Boston at 105 per wk. See attached Pre-Sentence Report Suffolk Probation Department. #23

In 1968 subject's wife was interviewed. She stated that the subject worked as a manager of Jay's Lounge. See attached interview dated 9/5/68 #24

According to the Department of Correction Classification Report dated 7-14-80 subject was assistant manager of Jay's Lounge. Prior to that he was involved in the vending machine business See attached classification report dated 7-14-80 #25

According to subject's brother [redacted], subjects main occupation was peddling fruit. See attached interview dated 9-19-68 #26

According to police intellegence sources and by the subjects own admission on the stand subject worked various enterprises, none of which were under his own name, he always had a new car, lived in a nice home, and lastly his last job was at Jay's Lounge owned by the Anguolo family.

While at Walpole and later at Francisco's Resteraunt on 90 North Washington St. Boston he maintained close ties with Anguolo. When Fransico's opened Jerry L. Diprizio, a former Industrial Shop Manager was hired as the manager Diprizio retired from Walpole on 1-29-73. The corporation name is Fransico's Incorparated. The president and treasurer is George Rossi, of [redacted]. Somerville Ma., Director is a Peter Athanas of [redacted] Melrose. The owner of the proepty is HX Realty Inc. Trust in the name of Rosario and Helen Limone.

Working at the restaraunt is the subjects son, [redacted] and a Bernard J. Bamontex Jr. on parole. Subject has made statements that the restaraunt is not owned by him. However I would have to say that this restaraunt belongs to his family. For instance Peter Athanes married the subjects sister [redacted]. See attachment Warrant Unit report dated 1-9-78 and newsclipping dated 7-10-75. #27, #28

Subject since his incarcerationat Walpole, after removal from "Death Row" has done good at times, but has also had good jobs within the institutions. He also has had numerous furloughs. See attached administrative data dated up till 6-26-80. #29 (Also see newsclippings dated 1-24-73 #30)

From 9/73 to 11/73 and prior to 9/27/72 to 1/73 subject was assigned to the Catholic Chaplin as his secretary. This after 4 years MCI-Walpole. The subject was then transfered to MCINorfolk were he started to receive furloughs. Subjects sponser was his wife. Note; Letters of support from State Senator LO Presti filed in his behalf. See attached #31 and #32

The subject while at MCI-Norfolk was involved in assisting in a tense situation involving Red Elliot who shot and killed a Correction Officer... As a result of this action Gov. Dukakis wrote a letter of recomendation in behalf of the subject. dated 10-20-75 ,See attached #33.

On 3/22/77 Subject went to the Medfield Hospital Project. While there the program came under fire for having to many career criminals. For ex. The Warrant Unit did an investigation on a Anthony Chiodiudo was there and became involved with a phoney pre-release program plus the questional practice of other inmates assigning other inmates as good workers. See attached dated 9-22-77 #36

On 11-8-77 then District attorney Garrel Bryne attacked the program at a news conference with the Boston newspapers. He refered directly to a John O'Master of Needham who he described as a orginized crime figure. He also confirmed that on a recent furlough the subject met witha member of the Anguilo family.

On 2/24/79,Saturday the subject was along with Charles Dominico transfered suddenly from Medfield to MCI-Walpole. Subject was found with $1,000 in his posession. See attached lock-up report PP79-05 #37, See attached newsclipping dated 2-26-79 Boston Globe #38

I really cannot tell you of the disposition since I could not locate the original lock-up report or disposition of the same. Inmates throughout the system , and elswhere are not allowed to have money on there possesion.

After the above incident subject was transfered to Walpole , then back to MCI Norfork on 10/3/80 then to Boston State Pre-Release where he is presently serving as a janitor, a skill which is defined as "special" by the Department of Corrections which created this cadre position for him. But I can,t find under chapter 880 a janitors position as being an intregal inmate job. Subject otherwise would not be legally at pre-release as all other inmates at pre-release must be within 18 months of their parloe date.

Subject's visits and correspondece since his incarceration show the following:

1. He wrote to Peter Antnanas as his uncle.
2. He wrote to William Kazonis his old criminal associate.
3. Subject even wrote to Antonio Anguilo of 95 Prince St, Boston in 1974 and received a visit from him listed as a cousin

See attached Visit Cards dated 9/22/75 #39

-- On 10-18-81 in the Boston Globe Sunday Edition was published an article about the Angiulo Family being a target for a massive crime investigation.

see attached news article 5/5/81

Conclusion

According to street information the Anguilo Family is getting old and would like to retire from the Mafia. In their place they would like the subject to replace them. They are reportedly offering a large sum of money to attempt to spring the subject back to the streets.

The above statement can be deemed as speculative on my part. However subject's record clearly shows his close ties to the Anguilo Family.

I would have to clearly call him a member of the "Family" of orginized crime here in Boston.

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The above is for informational purposes only.

The Commonwealth of Massachusetts
DISTRICT ATTORNEY OF SUFFOLK COUNTY
NEWMAN FLANAGAN

ONE BULFINCH PLACE
BOSTON, MASSACHUSETTS 02114
(617) 725-8600

April 25, 1983

Brian A. Callery, Chairman
Massachusetts Parole Board
Advisory Board of Pardons
Leverett Saltonstall Building
Government Center
100 Cambridge Street
Boston, Massachusetts 02202

RE: Peter J. Limone - Petition for Commutation

Dear Mr. Callery:

With regard to the above-captioned petition for commutation, it is the position of this office that any clemency, by a further reduction of sentence, would be entirely inappropriate. Mr. Limone was indicted, tried, convicted and sentenced to death for Accessory before the fact to Murder in the First Degree and Conspiracy to Murder both Mr. Edward Deegan and Mr. Anthony J. Stathopoulos. His involvement and participation as the key figure who initiated the contract and offered seven thousand five hundred ($7,500.00) dollars for the murder of Deegan and the additional two thousand five hundred ($2,500.00) dollars for the murder of Stathopoulos, resulting in the actual murder of Deegan, places him in a category of the coldest and most ruthless of criminals. Because Deegan was an "annoyance" to him (Limone) and to his associates, is a factor which could militate against all consideration for a reduction in this case.

In addition, I am informed that Mr. Limone was, is, and undoubtedly will continue to be a close associate of organized crime figures.

Accordingly, it is my official recommendation, in the strongest terms possible, that Mr. Limone's petition be denied.

Respectfully,

Newman Flanagan
District Attorney

NF:hc

EXHIBIT
757

AFFIDAVIT

My name is wilfred roy french and 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.

Signed under the penalties of perjury this 27th day of April 1983.

Wilfred Roy French

Then personally appeared the above named Wilfred Roy French and made oath that the foregoing was his free act and deed before me

John Emmanuel Cancelli
notary public

WITNESS: [redacted]

000366

5/28

# Witness against Patriarca says he lied at trial in '70

By KAREN ELLSWORTH
Journal-Bulletin Staff Writer

PROVIDENCE — John J. "Red" Kelley, the government witness whose testimony convicted reputed mob boss Raymond L.S. Patriarca and four other persons on murder-related charges 13 years ago, now maintains that he lied under oath at that trial, according to sworn affidavits made this week by an assistant attorney general and a Providence police detective.

Kelley, 70, a Massachusetts native who was granted immunity for his testimony and was given a new identity under the federal witness protection program, says he lied about significant testimony, according to the affidavits.

One such falsehood involved an alleged meeting he had with Patriarca outside the Gaslight lounge in Providence. Kelley maintains the meeting did take place, but that he lied about the location at the suggestion of the FBI.

David H. Leach, an assistant attorney general, plans to call Kelley as the state's chief witness against Louis Manocchio, who is on trial in Superior Court before a sequestered jury for allegedly helping to plan the April 20, 1968, gangland murders of Rudolph Marfeo and Anthony Melei.

Patriarca, Rudolph E. Sciarra, Maurice R. "Pro" Lerner, Robert E.

*Turn to KELLEY, Page A-18*

5/27

# Marfeo's gambling operation described

By KAREN ELLSWORTH
Journal-Bulletin Staff Writer

PROVIDENCE — Thomas Marfeo told a Superior Court jury yesterday that his brother, gangland-style slaying victim Rudolph Marfeo, ran a gambling operation that took in an average of $1,500 to $3,000 a week around 1967 and 1968.

Marfeo also told the jury that there were "ill feelings" between his brother and alleged New England mob boss Raymond L.S. Patriarca. But Judge Francis J. Kiely ordered that testimony stricken from the record.

Marfeo's testimony came during the murder conspiracy and murder accessory trial of Louis Manocchio. Manocchio is charged with helping to arrange the murder of Rudolph Melei, who were gunned down in a Silver Lake grocery store on April 20, 1968.

In his opening statement to the jury, Asst. Atty. Gen. David Leach said Marfeo was targeted for slaying because he was not "paying the proper respect to certain parties" in the way he ran his gambling operation.

THOMAS MARFEO testified that in 1967, his brother Rudolph ran a gambling operation at an Atwells Avenue club.

"How profitable were these games?" asked Leach.

"An average of $1,500 to $3,000 a week," Marfeo replied.

In 1967, he testified, the operation became a floating crap game, in which players were driven to three different locations.

Leach then asked Marfeo whether his brother knew Patriarca, and if he knew how they got along.

"I know there were ill feelings between the two," he said.

Martin K. Leppo, one of Manocchio's lawyers, objected, and the lawyers conferred with Judge Kiely at the bench, outside earshot of the jury. Judge Kiely then ordered the last two questions and answers stricken from the record and told

# Kelley

*Continued from Page One*

Fairbrothers and John Rossi were convicted of murder or murder accessory charges in 1970. Subsequent trials in 1972 involving other charges and an additional defendant resulted in acquittals. Kelley was the star witness at all three trials, as well as before the grand jury that returned the indictments and at two bail hearings.

Leach and Det. Urbano Prignano interviewed Kelley last Saturday and Monday in preparation for his testimony in the Manocchio trial. The statements he made about the truthfulness of his previous testimony were contained in affidavits Leach turned over to Manocchio's lawyers Thursday. Prosecutors in criminal trials are required to give the defense any evidence that may help the defense.

Martin K. Leppo and Thomas A. DiLuglio, Manocchio's lawyers, said yesterday that they would ask Judge Francis M. Kiely to dismiss the charges against Manocchio, or to bar Kelley from testifying, because of his apparent perjury.

* * *

**WHEN KELLEY** was granted immunity from prosecution for his testimony in the summer of 1969, and placed in the witness protection program, he was a suspect in the Marfeo-Melei slaying and was under indictment for robbing a Brink's truck in Massachusetts.

Kelley testified to the jury at the first trial that he was introduced to Patriarca in front of the Gaslight on April 7, 1968, and that they discussed killing Marfeo. Leppo said he has evidence, however, that the building had recently burned and that the street in front of it was blocked off, making a meeting there impossible.

Patriarca, who served time in prison for murder conspiracy as a result of Kelley's testimony, has consistently maintained, throughout all his appeals, that he never met with Kelley.

Prignano says in his affidavit that Kelley said to him Monday: "The FBI suggested that I put Raymond in front of the Gaslight the evening that I met with him" and he went along with the suggestion because "my life was in their hands."

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."

* * *

**KELLEY ALSO** testified at the first trial that he cut down the barrel of one of the murder weapons himself with a hacksaw. A Massachusetts Institute of Technology metallurgist is prepared to testify that the barrel could not have been cut with a hacksaw, Leppo said.

In their affidavits, both Leach and Prignano say Kelley told them he did not cut the weapon himself. Kelley said an associate who is now dead did it, according to the affidavits.

At the first trial, Kelley testified that he met with Manocchio at about 9 p.m. on April 2, 1968, to discuss killing Marfeo. Leppo said he has evidence that Manocchio was in jail then.

Leach's affidavit says he discussed that apparent discrepancy with Kelley, but it does not indicate Kelley's response.

Manocchio, 55, was indicted in 1969 along with Patriarca and the others. But he fled before trial, remaining at large for 10 years. He surrendered to authorities in July, 1979, and has been free on bail since then awaiting trial.

TRIAL FOLDER

**CRIMINAL CASE FACE SHEET**

SUPPLEMENTAL SHEET

PAGE NO.

DEFENDANT NAME (LAST, FIRST, MIDDLE) | SUPERIOR COURT NO.

MANOCCHIO, LUIGI This includes cases P169-767 P169-768 P169-769

| DATE | ACTION | JUDGE | PROS. | INITIAL |
|---|---|---|---|---|
| April 28, 1983 | Counsel files motion to quash witness subpoena for Raymond Patriarca. | | | |
| May 3, 1983 | Body attachment issued for state's witness John J. Kelly. | | | |
| May 4, 1983 | Defendant files proposed voir dire questions. | | | |
| May 7, 1983 | State files motion to take deposition pursuant to rule 15 of the R.I. rules of criminal procedure. | | | |
| May 9, 1983 | KIELY, J. Defendant appears for trial; jury selection begins. Same day, defendant files motion to quash jury venire, and also memorandum in support of motion to quash jury venire filed. | | | |
| May 10, 1983 | KIELY, J. Jury selection continues. | | | |
| May 11, 1983 | KIELY, J. Jury selection continues. | | | |
| May 12, 1983 | KIELY, J. Jury selection continues. Same day, witness Raymond Patriarca files objection to taking his deposition. | | | |
| May 13, 1983 | KIELY, J. Jury selection continues. Telephone conversation file Same day, GIANNINI, P. J. Order entered, authorizing the state to intercept wire communications. | | | |
| May 16, 1983 | KIELY, J. Jury selection continues; Witness Raymond Patriarca files motion to be furnished with all transcriptions obtained during the course of conversations between the witness and his counsel. Witness Raymond Patriarca also filed motion to object state motion for deposition. Defendant files motion to stay proceedings | | | |
| May 17, 1983 | KIELY, J. Jury selection continues; defendant files motion in limine re proposed testimony regarding unconstitutional arrest, defendant also files motion to strike names from the indictment,. | | | |
| May 18, 1983 | KIELY, J. Jury selection continues; Letters filed. Defendant files motion to interview Nicholas Palmigiano. Financial report of state's witness John Kelly filed. | | | |

EXHIBIT 760

ENTRIES MAY BE CONTINUED ON SUPPLEMENTAL SHEET. MARK NOTATIONS LINE CONTINUED

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC. SUPERIOR COURT

STATE OF RHODE ISLAND

VS. NOS. 69-767, 768, 769

LUIGI MANOCCHIO

STATEMENT OF

DAVID H. LEACH

ON MAY 24, 1983

APPEARANCES

DAVID H. LEACH, ASSISTANT ATTORNEY GENERAL



MAY 24, 1983

D A V I D H. L E A C H was duly sworn by a notary public.

MR. LEACH: My name is David H. Leach. I'm an Assistant Attorney General for the State of Rhode Island. This statement is a summary of certain events that took place on Saturday, May 21, 1983 involving a witness by the name of John J. "Red" Kelley, sometimes known as Jack also.

On Saturday, May 21, 1983, I interviewed John Kelley, along with Detective Urbano Prignano, Jr. Detective Prignano and I traveled out of state to meet with Mr. Kelley. We first saw him at about 12:20 Saturday afternoon. He indicated that he would like to speak to me alone. I, in fact, spoke to him for a period of time in the absence of Detective Prignano.

At that time, Mr. Kelley indicated several things to me, both directly and in the form of a hypothetical statement. He indicated over the course of a conversation, in which a number of things were discussed, some of which having nothing to do with the case presently before the Court, State versus Luigi Manocchio, that although he indicated on a number of prior occasions the only promises, rewards or inducements made to him was that his cooperation would be brought to the attention

of the appropriate authorities, in fact, agents of the F.B.I., whom he did not name to me, told him that he would be taken care of for life, and that he was bitter that that in fact was not done.

He subsequently indicated to me in the course of my asking him some questions about matters for which he was impeached on prior occasions, that with respect to the guns used in this crime, that he had a person he described as his armorer. In the course of the conversation, it became apparent that that person was a man named Appleton, who he indicated had committed suicide and has been dead for about a year. He indicated that, and it was not clear to me whether he was referring specifically to the carbine or the pump action shotgun, that Appleton had prepared under his direction some 25 similar weapons, and that he knew how it was done, and though he did not personally perform the operation, it was done for him. He indicated that some of these weapons were used in other offenses.

During the course of this long and somewhat rambling conversation, without my asking him any specific questions, he gave to me what he later termed a hypothetical. He said: Suppose there was a meeting, and suppose, for somebody's purposes, it was better to have a meeting at one place instead of another place;

and suppose that the place where that meeting was to be was a nightclub called the Monte Carlo or Montecalvo, I'm not sure exactly which name he used; and he went on to say, suppose somebody didn't do their homework and didn't know that the Monte Carlo had had a fire; and suppose somebody, because they wanted to have a meeting in one place and not another, said that the meeting was in front of this place, Monte Carlo; he went on to say, suppose that a person, who was going to talk about this meeting, were to take a ride with somebody who was not involved and come to Providence and look at this Monte Carlo nightclub at a time when there was nothing wrong with this Monte Carlo because somebody, who wanted the meeting there, had not done his homework. He indicated this was a hypothetical situation. I asked him if, in fact, all the parties were in fact the same; and he indicated that they were. He did not indicate in his hypothetical by name who would think it's a better idea to have a meeting at a place hypothetically called the Monte Carlo as opposed to where the meeting might really have taken place.

He did allude to Federal agents or the F.B.I. agents. I did not ask him by name which agents he was referring to.

He indicated that at no time, up until recently,

was never aware that there had been a fire at the Gaslight Lounge. He did indicate that the persons he has said were involved with the killing of Rudolph Marfeo and Anthony Melei were, in fact, the same persons that he has testified about. At no time did he ever actually indicate to me that the meeting did not take place at the Gaslight, that he has previously testified to as having occurred on April 7, 1968.

He described a fact pattern in the form of a hypothetical.

At some point during the course of our discussion, Detective Prignano rejoined us, and he went on to talk about the events of 1968 and his relationship to the different parties involved. He told me that he had recently spoken to Attorney Roger Zuckerman who had represented him several years ago, and that Zuckerman had spoken to Attorney Martin Leppo who represents Louis Manocchio, that Leppo had relayed, through Zuckerman, information in areas upon which Kelley could be impeached.

After about four and a half hours, Detective Prignano and I left and returned to Providence. We made further arrangements to have Detective Prignano interview Mr. Kelley on Monday, May 23, 1983. My purpose was to have Detective Prignano independently assess what Mr. Kelley had to say.

Detective Prignano did, in fact, interview John J. Kelley on Monday, May 23rd. His observations are the subject of an independent statement.

I did not reveal the substance of my conversation with John Kelley to Detective Prignano on Saturday or at any time up to the time I received a phone call from him at around seven p.m., Monday, May 23rd. At that time I asked him about his meeting with Kelley, and it became apparent that Kelley told him as much, if not more, as he had told me; and he had told us both essentially the same things.

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STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

I do hereby certify that I am expressly approved as a person qualified and authorized to take depositions, hearings, statements, and so forth pursuant to rules of court, especially but without restrictions thereto, that the witness was first sworn by me, that the transcript contains a true recording of proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of May, 1983.

SUSAN FREDETTE
REPORTER

My commission expires June, 1986.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC. SUPERIOR COURT

STATE OF RHODE ISLAND :
VS. : NOS. 69-767, 768, 769
LUIGI MANOCCHIO :

STATEMENT OF
DETECTIVE URBANO PRIGNANO
ON MAY 24, 1983

APPEARANCES

DAVID H. LEACH, ASSISTANT ATTORNEY GENERAL

EXHIBIT
763

MAY 24, 1983

U R B A N O  P R I G N A N O, J. R. was duly sworn by a notary public.

DETECTIVE PRIGNANO: On May 21, 1983, I, Detective Urbano Prignano, Jr., along with Assistant Attorney General David Leach, traveled to an undisclosed location to interview a one John J. Kelley, who was in the protective custody of the U.S. Marshals. Upon arrival at this location, Mr. Kelley asked to see Mr. Leach privately.

At approximately two hours later, I observed Mr. Leach leave the room; and at this time, I had a brief conversation with the Assistant Attorney General, Mr. Leach. It appeared to me that something was troublin the Assistant Attorney General. I asked him what was the problem, and he did not disclose anything to me at this time.

At that time, we both entered the interview room and spoke to Mr. Kelley about certain discrepancies that woul come up during the course of the Manocchio trial. One of the discrepancies that I brought out to Mr. Kelley was, "How could you testify that you met Raymond Patriarca at the Gaslight when the Gaslight had a severe fire?" At this time, Mr. Kelley stated to us he did not know about any fire that had happened at the Gaslight.

From then on, we went to other subject matters relating to this offense that had happened on April 20, 1968. We went to the problem of April 2nd, where Mr. Manocchio and Mr. Sciarra were incarcerated at the Providence Police Station, and Mr. Kelley testified that he was in their presence that evening.

We also went over another discrepancy about Mr. Vendituoli's green Chrysler automobile that Mr. Kelley said he was in the night he saw Mr. Patriarca. After we left that subject matter, we briefly touched on other events that occurred during this case.

At this time, we had run out of time because the Marshals had to get Mr. Kelley back to wherever he was going. We had then stated to Mr. Kelley that I would come down alone and meet with him on another date.

On May 23rd, Monday, I flew down to an undisclosed location and met with the U.S. Marshals, and they took me to an undisclosed location where I met Mr. Kelley. At this time, when I entered the interview room, Mr. Kelley stood up and shook my hand and stated to me, "Thank-you for not letting me perjure myself." I said why, and he said, "Because you corroborated what Mr. Zuckerman told me sometime during this week." I said, "What was that?" He said about the fire at the Gaslight. At this time, I said to Mr. Kelley, "You're supposed to be such a sharp

perso[illegible] in planning criminal act[illegible]ities. I cannot believe that you would make such an error in saying that you met with people when you knew this building had burned." He then stated to me emphatically that he never knew that the Gaslight building had burned. I then stated to Mr. Kelley, "I don't believe your story any more because of this incident." He 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 F.B.I. suggested that I put Raymond 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. Rico, the F.B.I. 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 F.B.I. 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."

He also stated to me, while we were talking about Mr. Zuckerman, that Zuckerman was in contact with Leppo, and Zuckerman told Kelley that, "I don't believe you any more, Kelley." This, in turn, hurt Kelley because of his being fond of Mr. Zuckerman. This was all attributed to

a picture that Mr. Zuckerman said that Mr. Leppo has of the Gaslight being burned.

At this time, it was approximately between 5:30 and six. I then called the Attorney General's office and spoke to Mr. Leach. In a brief conversation with Mr. Leach, we had compared notes. What Mr. Kelley told Mr. Leach in the hypothetical incident, Mr. Kelley told me in fact the name of the agent and where the meeting took place.

A short time later, I left Mr. Kelley and flew to Rhode Island and met with Mr. Leach, who then contacted Henry Gemma. We had a three-way discussion in which Mr. Gemma stated that we would talk about it in the morning, and that I would bring the subject matter up of Mr. Kelley to my Colonel.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

I do hereby certify that I am expressly approved as a person qualified and authorized to take depositions, hearings, statements, and so forth pursuant to rules of court, especiall but without restrictions thereto, that the witness was first sworn by me, that the transcript contains a true recording of proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of May, 1983.

SUSAN FREDETTE
REPORTER

My commission expires June, 1986.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC. SUPERIOR COURT

STATE OF RHODE ISLAND

vs.

LUIGI MANOCCHIO

SUPERIOR COURT
FILED
MAY 26 1983
Joseph Q. Celista
Clerk

P2/69-767
P2/69-768
P2/69-769

AMENDED ANSWER TO
PROMISES, REWARDS AND INDUCEMENTS

Now comes the State in the above-entitled action and amends its previously supplied answer to defendant's request for Promises, Rewards and Inducements by adding the following:

That not withstanding representations previously made by Assistant United States Attorneys and State Assistant Attorneys General and representations made by the witness John Kelley, in the past, at some point he was promised or led to believe by a federal agent that "I would be taken care of for the rest of my life".

This was made known to this writer on Saturday, May 21, 1983 in an interview with John Kelley.

Respectfully submitted,

STATE OF RHODE ISLAND

BY ITS ATTORNEY

DENNIS J. ROBERTS II
ATTORNEY GENERAL

BY: David H. Leach
DAVID H. LEACH
ASSISTANT ATTORNEY GENERAL
72 Pine Street
Providence, Rhode Island 02903

CERTIFICATION

I, do hereby certify that on this 25th day of May, 1983, a true copy of the enclosed has been hand-delivered to attorneys for the defendant, Luigi Manocchio.

David H. Leach

PENGAD Bayonne, N.J.

EXHIBIT
764

WITNESS BACKGROUND INFORMATION 05/06/82

JOHN J KELLY FINANCIAL REPORT'S DATE ENTERED PROGRAM: 0570 # IN FAMILY: 2

EXPENSES

| | SUBSISTENCE | HOUSING | MEDICAL | TRAVEL | DOCUMENTS | RELOCATION | TRIAL | MOVING | MISC | FY TOTALS |
|---|---|---|---|---|---|---|---|---|---|---|
| FY 74 COMPUTER RECORDS FOR FISCAL YEARS PRIOR TO FY 75 ARE SUMMARIZED ONLY. TOTAL VALUE APPEARS UNDER 'FY TOTAL' | | | | | | | | | | 7222.46 |
| FY 75 COMPUTER RECORDS FOR FISCAL YEARS PRIOR TO FY 76 ARE SUMMARIZED ONLY. TOTAL VALUE APPEARS UNDER 'FY TOTAL' | | | | | | | | | | 16064.44 |
| FY 76 COMPUTER RECORDS FOR FISCAL YEARS PRIOR TO FY 77 ARE SUMMARIZED ONLY. TOTAL VALUE APPEARS UNDER 'FY TOTAL' | | | | | | | | | | 8175.50 |
| FY 77 COMPUTER RECORDS FOR FISCAL YEARS PRIOR TO FY 78 ARE SUMMARIZED ONLY. TOTAL VALUE APPEARS UNDER 'FY TOTAL' | | | | | | | | | | 10331.45 |
| FY 78 | 8612.30 | 2890.00 | 966.45 | 27.50 | .00 | .00 | .00 | .00 | .00 | 12496.25 |
| FY 79 | 11250.00 | 3496.00 | 1315.50 | .00 | 300.00 | 12.00 | .00 | 46.60 | .00 | 16420.10 |
| FY 80 | 9000.00 | 2760.00 | .00 | .00 | .00 | .00 | .00 | .00 | .00 | 11760.00 |
| FY 81 | 8480.00 | 2280.00 | .00 | .00 | .00 | .00 | .00 | 41.20 | .00 | 11801.20 |
| FY 82 | 9000.00 | 2760.00 | 2053.40 | .00 | 339.00 | .00 | .00 | .00 | .00 | 14140.40 |
| FY 83 | 2984.00 | 1026.00 | .00 | .00 | 4.00 | .00 | 86.70 | .00 | .00 | 4110.70 |
| | .00 | .00 | .00 | .00 | .00 | .00 | .00 | 1180.56 | .00 | 1180.56 |
| | 24.67 | 11.53 | .00 | .00 | .00 | .00 | .00 | .00 | .00 | 36.00 |
| | .00 | .00 | .00 | *.** | .00 | .00 | .00 | .00 | .00 | .00 |
| TOTAL | 49350.97 | 16233.53 | 4335.15 | 27.50 | 639.00 | 12.00 | 86.70 | 1268.36 | .00 | 114948.06 |
| FUNDS AUTHORIZED BUT NOT YET DISBURSED | .00 | .00 | .00 | .00 | .00 | .00 | .00 | .00 | .00 | |
| TOTAL FUNDS | 49350.97 | 16233.53 | 4335.15 | 27.50 | 639.00 | 12.00 | 86.70 | 1268.36 | .00 | |

*** = TRAVEL FOR CURRENT FISCAL YEAR NOT INCLUDED

TOTAL FUNDS EXPENDED FOR WITNESS AND DEPENDENTS

EXPENSES

| SUBSISTENCE | HOUSING | MEDICAL | TRAVEL | DOCUMENTS | RELOCATION | TRIAL | MOVING | MISC | TOTAL |
|---|---|---|---|---|---|---|---|---|---|
| 49350.97 | 16233.53 | 4335.15 | 27.50 | 639.00 | 12.00 | 86.70 | 1268.36 | .00 | 114948.06 |

I HEREBY CERTIFY THAT THE ABOVE REPRESENTS ALL FUNDS DISBURSED TO SUBJECT WITNESS UNDER THE PROVISIONS OF THE WITNESS PROTECTION PROGRAM BY THE U. S. MARSHALS SERVICE.

CHIEF, WITNESS SECURITY DIVISION
U. S. MARSHALS SERVICE

5/10/83
DATE

SUPERIOR COURT
FILED
MAY 19 1983
Joseph D. Calicia
CLERK

2758

# Sciarra given term for contempt

By KAREN ELLSWORTH
Journal-Bulletin Staff Writer

PROVIDENCE — Superior Court Judge Francis M. Kiely slapped a six-month jail sentence for contempt of court on alleged organized-crime figure Rudolph E. Sciarra yesterday when Sciarra refused to testify in the murder conspiracy trial of Louis Manocchio.

Sciarra, 60, of Johnston, was indicted with Manocchio in 1969 for the Marfeo-Melei murders on April 20, 1968, and was convicted of murder conspiracy. He is serving 17 to 20 years in Massachusetts for supplying the gun used in the 1968 slaying of Robert Candos.

During the brief proceeding, held outside the presence of the jury, Sciarra insisted that he had a constitutional right not to answer prosecutor David Leach's questions. But Kiely disagreed.

"I have no alternative but to find you're in contempt," the judge said. He told Sciarra the sentence will be wiped out if he changes his mind and testifies before the state finishes presenting its case.

"Aaaagh!" Sciarra exclaimed as state marshals led him from the courtroom in handcuffs.

Manocchio, 55, is charged with murder conspiracy and being an accessory to murder, for allegedly helping to plan the killing of Rudolph Marfeo and Anthony Melei, whose operation of a floating crap game reportedly angered mob leaders.

* * *

HE FLED before trial, remained at large for 10 years, and surrendered to authorities in July, 1979. Kiely has not decided whether the jury should hear evidence about his flight.

John J. "Red" Kelley, a robber-turned-police-informant who is the state's star witness, testified yesterday that at the previous trials he lied, at the request of former FBI agent H. Paul Rico, about who altered the Army carbine used in the Marfeo-Melei murder.

That testimony came in the second round of prosecution questioning as Kelley was finishing more than four days of testimony.

C Turn to TRIAL, Page A-16

# Trial

Continued from Page One

Last Wednesday, Kelley testified that at the previous grand jury hearing and trials, he lied about the location of an alleged April 6, 1968, meeting with crime boss Raymond L.S. Patriarca. He said he did so at Rico's request.

Last week, under prosecution questioning, Kelley said he lied at the previous trials when he said he cut down the carbine barrel himself.

Yesterday, after defense lawyer Martin K. Leppo finished cross-examination of Kelley, prosecutor Leach questioned Kelley again. It was at that point that he testified that a friend named Roy Appleton cut down the carbine.

* * *

KELLEY SAID he lied before about who altered the weapon because "Rico asked me to leave Appleton out of it, because he had a pipeline to the Boston group." He was not allowed to explain that statement, but it is believed to be a reference to Appleton's status as a police informant.

Kelley resisted testifying because of bad health. Before Kelley left the stand, Judge Kiely cautioned him that he may be recalled by the defense. "I will be available — if I'm still alive," Kelley said.

After Kelley left, the prosecution began calling Manocchio's former co-defendants, including Sciarra, to the witness stand.

Sciarra, Patriarca, Robert E. Fairbrothers and Maurice R. "Pro" Lerner, all convicted in the Marfeo-Melei gangland-style murder, have been summoned by the state to testify in the Manocchio trial.

All of them are maintaining that they have a Fifth Amendment right not to incriminate themselves by testifying. A person normally loses his right against self-incrimination when he is convicted.

* * *

BUT BECAUSE Kelley now says he gave false testimony against them, the four argue, they are entitled to new trials, and any testimony they give now could be used against them if their anticipated requests for new trials are granted.

Besides constitutional grounds, Sciarra based his refusal to testify on his confidential attorney-client relationship with Leppo and defense lawyer Thomas A. DiLuglio — who represent him in other matters, but who would be obliged to cross-examine him as part of their representation of Manocchio.

Kiely found that Sciarra did not have a right against self-incrimination because he had not yet been granted a new trial. But Sciarra persisted in refusing to offer any testimony except his name, age and address.

Patriarca is not appearing because a Superior Court judge ruled he was too ill to testify in court. But when Judge Kiely and the lawyers in the case went to his Johnston home last Saturday to take his sworn testimony — to be transcribed and read to the jurors — Patriarca suffered a seizure and was rushed to the hospital. Atty. Gen. Dennis J. Roberts II said Monday that the state will seek to continue taking that deposition later.

Fairbrothers testified yesterday outside the presence of the jury. He initially invoked his right against self-incrimination, but answered Leach's questions — instead of risking contempt — when Kiely said he had no basis for claiming the Fifth Amendment right.

* * *

LEACH ASKED Fairbrothers a long series of questions about his associations with Manocchio and the others charged in the Marfeo-Melei slaying.

Lerner, who has served 14 years at the Adult Correctional Institutions for the Marfeo-Melei murders and is on work-release, is expected to be called to the stand, outside the jury's presence, today.

Two weeks ago, Judge Kiely denied a request by Lerner's lawyers to quash the subpoena for Lerner. They renewed that motion yesterday, and Kiely denied it again. Later, the lawyers met with state Supreme Court Justice Florence K. Murray to seek a stay of

EXHIBIT
765

Q And going back to August of 1969, you received immunity in Rhode Island, is that correct?
A I'm not sure of the date, but I received immunity; yes.
Q And at that time, or on earlier occasions, did you testify as to any promises, or rewards, or inducements made to you?
MR. LEPPO: Objection to the form of the question, if Your Honor please.
THE COURT: Rephrase your question.
Q Did you make certain representations, sir, with respect to any promises made to you by any governmental agency?
A Somewhere along the line --
MR. LEPPO: Objection. Calls for a yes or no answer, if Your Honor please.
A Yes. Yes.
(No ruling.)
Q Did you, or have you indicated in the past what your understanding of those promises or rewards or inducements were?
MR. LEPPO: Objection.
THE COURT: Overruled.
A Yes.
Q And would you tell us what representations you made in the past?
MR. LEPPO: Objection.

THE COURT: Clarify your question. In the past of what?

MR. LEACH: Going back, sir, to 1972 and before.

MR. LEPPO: Same objection, if Your Honor please.

THE COURT: Overruled.

A I made the representation that I would testify truthfully in all of these cases that I was involved in.

Q And what would you receive in return?

A In return I would receive a new identity, my security would be secured, and subsistence money.

Q Now, did you ever indicate, sir, that you had some understanding as to what would happen to any cases pending against you?

MR. LEPPO: Objection; leading.

THE COURT: You may answer.

MR. LEPPO: Relevance, if Your Honor please.

THE COURT: This is relevant. You may answer.

A Yes.

Q And what did you indicate on earlier occasions back in '72 or before?

A That any testimony that I gave in any of these cases would be brought to the authorities of the jurisdictions that they happened in for a final disposition.

Q And if you would, sir, tell us, please, when you were arrested for the Brink's Armored Car robbery, were you

put in a jail?

A Yes, I was.

Q What jail was that?

A Charles Street, I think it was.

Q And if you remember, about how long did you remain in the Charles Street jail?

A I have no idea. Not a long time, but I have no idea of the time.

Q Would it be a matter of weeks?

A Days or weeks; whatever.

Q And at some point did you leave the Charles Street jail?

A Yes.

Q And to the best of your memory, where did you go?

A Down to Bedford, a jail in Bedford. A jail in Bedford, Massachusetts.

Q Bedford or New Bedford?

A New Bedford, yes.

Q And for about how long were you there?

A I haven't any idea.

Q Would it be in terms of weeks or months?

A Weeks. Weeks. Days and weeks, I have no idea.

Q And during that span of time, were you talking to agents of the government in one form or another?

A Yes.

Q From there, the Barnstable House of Correction?

MR. LEPPO: Objection, Your Honor. It's a misquote of the testimony of this witness.

THE COURT: I believe it is the jail in New Bedford.

MR. LEACH: Oh, I'm sorry.

THE COURT: Use the same terminology.

MR. LEACH: All right, I'm sorry. I stand corrected.

Q From the jail in New Bedford, do you remember where you went next?

A I think we went to a hotel in Boston.

Q And was there any form of security involved with that, sir?

A Yes.

Q And could you explain what that was?

MR. LEPPO: Objection, if Your Honor please.

THE COURT: No. He can answer.

MR. LEPPO: May we approach the side bar?

THE COURT: Yes.

MR. LEPPO: It may be a good time for the afternoon recess.

THE COURT: We'll take a recess at this point. Jury may be excused.

* * * * *

(Jury is excused from the courtroom.)

MR. LEPPO: My objection is, Your Honor, that I would suggest to the Court what Mr. Leach is trying to elicit is to show he's on guard and security to protect him, and the prejudicial effect of that as it relates to this case, and it cannot be said that it's for this case alone, because now he's involved in the Brink's case, and the New York case, and other cases. So how many guards do we have because of the Rhode Island case? How many do we have because of the Brink's case and the New York case? And I suggest to the Court the prejudicial effect that he had to be kept in protective custody with armed guards to ensure his safety, that the probative value of that does not come close at all to the prejudicial effect as it stands.

MR. LEACH: If my brother is indicating to the Court that he has no intention of asking this witness about his being at the Statler Hilton Hotel, and about who paid for his meals, and whether his wife stayed with him, or came to see him, and if he ordered off the menu, and where he was and who paid his subsistence, and how much money he received, and over how long a period of time, and ad nauseum, then I would be glad to get away from it.

But I don't have that assurance, and therefore --

THE COURT: The point of the security issue that

you're bringing up--

MR. LEACH: Your Honor, I think the word security is being somewhat misinterpreted. He was in a jail surrounding. He is now in a surrounding which is not a jail, but he's not free to move about on his own.

THE COURT: Well, ask him that kind of question. The problem is the security aspect of it. Somebody is liable to blurt out, "I was afraid for my life," or something. That just gets us into trouble. If he didn't have his freedom, let him say it.

MR. LEACH: Well, I object, but whatever ruling Your Honor makes. Your Honor, may I point out one thing to remind my brother of 351 A.2d, 580, State Vs. Ciulla ---

THE COURT: I don't want to get into any argument. It has nothing to do with this objection.

MR. LEPPO: Thank you.

(End of colloquy.)

(Court recessed at 3:30 p.m.)

* * * * * *

R E C E S S

* * * * * *

(Court reconvenes at 3:50 p.m. Jury is present.)

* * * * * *

JOHN J. KELLEY, resumes the stand.

DIRECT EXAMINATION BY MR. LEACH (CONT'D)

Q Now, Mr. Kelley, I was asking you about after, after the New Bedford jail, where were you staying after that time?

A I believe we went to a hotel in Boston for awhile.

Q And if you remember, about how long were you in that hotel in Boston?

A I have no idea; just for grand jury hearings. I have no idea how long.

Q Was it in terms of weeks or months?

A I'd say weeks.

Q And at that time were you free to come and go as you pleased?

A No.

Q Were you under constant supervision?

A Yes.

Q From members of any particular police agency?

A Many.

Q Different agencies?

A Different agencies, yes.

Q And without telling us the location, sir, after you were no longer in that hotel, what type of place were you at?

A Different types of places; motels, different areas all

over the country.

Q And was that always --

MR. LEACH: Strike that.

Q At those times, were you free to go -- to come and go as you pleased?

A No.

Q Were you always under the control of some particular police agency?

A I was in protective custody.

Q Now, at some point, did you come under the control of the United States Marshals Service?

A Yes.

Q And at some point in time, without telling us where, did you become settled in some other part of the country?

A Yes.

Q And without telling us what, sir, at some point did you start an existence under a different identity?

A Yes.

Q Now, were you aware that that would happen --

MR. LEACH: Strike that.

Q When did you first become aware that that would happen, that you would be settled somewhere under a new identity?

A That had been said through these proceedings. I have no idea just when. I can't place a time. That was part

of the talk and considerations.

Q Now, is there something -- or was there something -- that you were made aware of with respect to your future that you did not make known to the Courts and jury in 1970 and '72?

A Yes.

Q And would you tell us what that was, sir?

A I can't remember all of the things, but the subsistence and agreements for protection for the rest of my life, and different things like that. I'm not sure, but the general thrust was in that way, but I'm not sure of the exact content of the conversations.

Q And who made you aware of this?

A Paul Rico of the FBI.

Q And what did you at that time understand would happen?

A At that time I understood from what he said, what he said to me was because of my age, my wife's age, our ill health on both of us, that I would not be -- ever be able to go on the street again, and that the government would subsidize me.

Q Now, you mentioned your wife's age. What's her age in comparison to your own, sir?

A She's older than I am.

Q Now, did you, in fact, receive something in the form of a subsistence allowance?

A Yes.
Q And can you tell us, sir, about how much that was?
A Yes, I can.
Q What was that?
A Approximately $800 and a few dollars. Might have been $810, or $812 a month to pay all my rent, and all my bills out of that; food. Everything had to be paid out of the $800 a month.
Q And was that for both yourself and your wife?
A Yes.
Q And for how long a period, sir, did this continue?
A I'm not sure of the exact time, but up until, I think in the vicinity of 1980. I think it continued until that time.
Q Now, is there some particular reason, sir, why you did not make known back in 1970 and '72 your understanding with respect to what you were told by Agent Rico?
A Yes.
Q And what was that?
A 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.
Q What was your chief concern at that time, going back to 1969 and '70?

A A telephone call was to be made from a telephone in the vicinity of the market, where I don't know, to instruct Manocchio that the car had arrived with Marfeo and his associates.

MR. LEACH: Your Honor, I would move 80(a), (b), and (c) as full exhibits.

MR. LEPPO: May I see them again, please?

(Shown to counsel.)

MR. LEPPO: No objection, Your Honor.

THE COURT: They may be marked full exhibits.

(STATE'S EXHIBITS #80(a), thru 80(c) MARKED ID.)

Q Mr. Kelley ---

MR. LEACH: Just one moment, Your Honor.

(PAUSE.)

Q Sir, I think you previously indicated that at some point you were receiving money in the form of a subsistence allowance, is that correct?

A Yes, sir.

Q And was that given to you through any particular agency?

MR. LEPPO: Objection.

THE COURT: You may answer.

A Yes.

Q And what agency was that?

A The U.S. Marshals Service.

Q Are you still receiving any money from them?

Q In any event, Mr. Kelley--and I'll get off the subject--the plan was to rob that truck on a Saturday either before or after a major holiday, correct?

A That's correct.

Q And was there some talk about robbing it at Easter Saturday?

A There may have been.

Q 1968, right?

A I'm not sure. I don't recollect that.

Q Do you remember the date of Easter Saturday, sir?

A It may have been Easter Saturday, 1967. I'm not sure.

Q 1968, Mr. Kelley.

A I don't remember ever having anything to say about 1968. I followed it many times, and I can't remember just when they were.

Q Mr. Kelley, at some time after you were arrested in May of 1969, certain representations were made to you by way of promises, rewards and inducements, is that correct? By law enforcement officials?

A I don't remember anything said in the way that you're saying it. I don't think anyone came out and said that.

Q Well, when you were arrested in May of 1969 and Mr. Rico came to see you, did he ask you to become a witness for the Commonwealth of Massachusetts on the Brink's case?

A He must have. I don't remember.



Q They had already arrested all the other people involved in that at that time, hadn't they, Mr. Kelley?
A I don't know whether they had or not.
Q Well, you knew that they arrested the Brink's guard who was involved, isn't that right?
A Yes.
Q Okay, and the Brink's guard had turned State's evidence against you, isn't that right, Mr. Kelley?
A Yes, he had.
Q And that's how they got your name, isn't that right, Mr. Kelley?
A That's correct.
Q Now, does that refresh your recollection if Mr. Rico wanted you to be a witness in the Brink's case?
A Yes.
Q And with that refreshed recollection, is that what he wanted you to testify in the Brink's case?
A That he wanted me to, yes.
Q And you were in jail on $250,000 bail then, and did he make some promise to you at that point? Mr. Rico?
A Yes.
Q And did he promise to get you out of jail?
A No.
Q But you got out of jail, isn't that right, Mr. Kelley?
A Yes.

Q And you got out of jail and you were living at hotels, isn't that right, Mr. Kelley?
A Yes.
Q And that was not a promise by Mr. Rico that you wouldn't have to stay in the Suffolk County jail locked up 24 hours a day?
MR. LEACH: Objection, Your Honor.
THE COURT: It's cross-examination. You may answer.
A I don't remember the question.
Q You don't remember? But you remember that Mr. Rico saw you and took you out of that jail, correct?
A Yes, at some time. Yes.
Q And now at that point, did Mr. Rico -- If you say you don't remember that he promised to take you out of jail, did he make any promises to you at that point when you first left the Charles Street Jail? Just yes or no.
A Yes.
Q And did he promise to put you in some type of protective custody?
A Yes, he did.
Q And did he do that?
A Yes, he did.
Q And that protective custody was these various hotels, right?

A I don't know.
Q And at some time, did Mr. Rico make other promises to you2 From 1969, the month of May until today, did Mr. Rico make other promises to you?
A Yes.
Q And did he promise you at some time that you would be given a new identity?
A Yes, he did.
Q And did he follow through on that promise?
A Yes, he did.
Q And did he promise you to relocate you in a different part of the country from where you normally lived?
A Yes, he did.
Q And did that promise come true?
A Yes, it did.
Q And did he promise to provide money through the appropriate Federal programs so that you would have money for housing?
A Yes, he did.
Q And did he follow through on that?
A To a degree.
Q To a degree. Did he promise that you would have money to take care of your food and clothing and laundry and other sundry items?
A Yes, he did.

Q And did he follow through on that?
A Yes, he did.
Q So that the only thing that Mr. Rico didn't follow through up to this point was to continue to give you a place to live, correct?
A Yes.
Q And he lied to you about that, right?
A I can't say he lied.
Q Well, he told you something that was not true?
MR. LEACH: Objection, Your Honor.
THE COURT: Sustained.
Q You testified, Mr. Kelley, that Mr. Rico promised you $810 a month?
MR. LEACH: Objection, Your Honor. It's not his testimony.
THE COURT: I don't think it was his testimony, either.
Q Did you testify you were receiving $810 a month up until the year 1980?
A I may have. I don't recollect.
Q And do you remember what day of this week you might have said that?
MR. LEACH: Objection, Your Honor.
THE COURT: Sustained.
Q How much money were you receiving from the Government,

Mr. Kelley, during the year 1969?

A I have no idea.

Q How much money -- Well, were you receiving money?

A Yes.

Q How much money were you receiving from the Government in the year 1970?

A I have no idea.

Q Were you receiving money?

A I was receiving money, yes.

Q How much money were you receiving from the Government in 1971?

A Around $700 -- I'm not sure of the figure, about $690 or $700 a month, I think. I'm not sure.

Q And did that increase in 1972?

A It increased at some time.

Q Were you receiving money in 1972?

A Yes.

Q Were you receiving money in 1973?

A Yes.

Q 1974?

A Yes.

Q 1975?

A Yes.

Q 1976?

A Yes.

Q 1977?
A Yes.
Q 1978?
A Yes.
Q 1979?
A I'm not sure.
Q 1980?
A I'm not sure.

MR. LEPPO: May I approach the witness, Your Honor?

THE COURT: Yes.

Q I show you this piece of paper, Mr. Kelley, and I ask you if you're John J. Kelley?
A Yes.
Q Even though that's Kelly spelled wrong in that?
A Yes.
Q There's an "E" missing in that, is that right?
A It's perfectly all right.
Q And I refer you to the line starting, "FY '80," meaning fiscal year '80. Would you just look at that and see if there are numbers that go all the way across on that line, Mr. Kelley.
A Yes, there are.
Q And now does that refresh your recollection that you were receiving money in 1980?

A Yes.
Q And for subsistence in 1980 you've got $2,984, correct?
A I don't remember it, but that's the figure.
Q And for housing you got $1,026?
A I don't remember, but that's the figure.
Q And there's money that you received for medical attention?
A I don't remember that.
Q Now, that was 1980. Did you receive any money in 1981, Mr. Kelley?
A I don't remember it.
Q I show you this piece of paper again, Mr. Kelley, and I show you fiscal year 1981, which is right on that line, and does it show that you received some money, Mr. Kelley?
A Yes.
Q And that was for moving expenses, correct? It says moving?
A That's what it says, yes.
Q And do you remember receiving that money?
A No, I do not.
Q Did Mr. Rico tell you that you would be taken care of for the rest of your life?
A Yes, he did.
Q Did he follow through on that?

A No, he did not.
Q And has that upset you a little bit about Mr. Rico?
A I didn't like it.
Q And you continue not to like it?
A Just a condition I have no control over.
Q Now, the Federal Government pay for your wife to go to Europe to visit with your son?
A No.
MR. LEACH: Objection, Your Honor.
THE COURT: Sustained.
Q Did you pay for it, Mr. Kelley?
MR. LEACH: Objection, Your Honor.
THE COURT: Sustained.
Q Mr. Kelley, you told the ladies and gentlemen of this jury yesterday, and the day before, that you had earned your income as a thief, isn't that correct?
A I don't know as I said that.
Q Well, you earned your living as a thief. You're a crook, isn't that right?
A I thought I said I was a thief. I don't think I said I earned my living as a thief.
Q Well, you used to, prior to the time of your incarceration, you used to steal for a living, isn't that right?
A Yes.
Q And the only other employment you ever had was a sometime

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.

EXHIBIT
767

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

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TO DIRECTOR IMMEDIATE

BT

UNCLAS

ATTENTION PUBLIC AFFAIRS OFFICE, OFFICE OF PROFESSIONAL RESPONSIBILITY, QC SECTION.

LUESE GIOVANNI MANOCCHIO, AKA LOUIS MANOCCHIO, "BABY SHANKS", "SHANKS", RICO (A), OO:BOSTON.

REFERENCE ASAC LUDEMAN TELEPHONE CALL TO OPR AND PAO, JUNE 2, 1983.

MANOCCHIO IS A KNOWN LCN MEMBER OF THE NEW ENGLAND ORGANIZED CRIME FAMILY AND IS KNOWN TO BE ATTEMPTING TO REPLACE RAYMOND L. S. PATRIACA 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 MARFEO AND

DET 183-6111-5

LANGFORD
KIMMEL

PAO CALL 6/3/83
made to Goodenham
6-2-83. S/B

cc's rcvd to
file sister mm
Bob McKeeney - Tuker for
6/10/83

[redacted]

PAGE TWO BS 183A-955 UNCLAS

ANTHONY MELEI, RAYMOND L. S. PATRIACA, RUDOLPH P. SCIARRA, MAURICE R. LEARNER, ROBERT E. FAIRBROTHERS AND JOHN ROSSI WERE ALL CONVICTED IN 1970 FOR THESE MURDERS OR ACCESSORY TO THESE MURDERS. MANOCCHIO BECAME A FUGITIVE AT THIS TIME AND REMAINED IN THAT STATUS UNTIL HE SURRENDERED HIMSELF IN JULY, 1979. MANOCCHIO WAS INVESTIGATED UNDER BS FILE NUMBER 166-845 AND BU FILE NUMBER 166-4355.

JOHN J. KELLEY, AKA "RED", IS THE MAIN WITNESS AGAINST MANOCCHIO. KELLEY TESTIFIED AGAINST THOSE ALREADY PROSECUTED. KELLEY BECAME A COOPERATING WITNESS IN THIS CASE AFTER HE WAS INDICTED FOR HIS INVOLVEMENT IN THE ROBBERY OF A BRINKS TRUCK IN MASSACHUSETTS. [redacted] H

DURING PRIOR TESTIMONY REGARDING THESE MURDERS, KELLEY TESTIFIED 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

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 H. 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]. H

[redacted].

SUBSTANTIAL NEWS MEDIA ATTENTION IS BEING GIVEN TO THE MANOCCHIO 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

Crim Inv Div

# Manocchio guilty on all charges in mob murders

By KAREN ELLSWORTH
Journal-Bulletin Staff Writer

PROVIDENCE — A Superior Court jury yesterday found Louis Manocchio guilty of murder conspiracy and murder accessory charges for helping to plan the 1968 Marfeo-Melei gangland-style slayings.

Manocchio, 55, who turned himself in to face the charges in 1979, after 10 years as a fugitive, will go to prison for life if the conviction is upheld.

He was the last person to face trial for the killings. Five other persons, including New England organized-crime boss Raymond L.S. Patriarca, were convicted of murder or murder conspiracy in 1970.

Rudolph Marfeo, a gambler and bookmaker who was running a floating crap game without the sanction of mob leaders, and Anthony Melei, described as Marfeo's driver, lookout and bodyguard, were gunned down in Pannone's Market on Pocasset Avenue, in the city's Silver Lake section, on April 20, 1968.

★ ★ ★

**THE JURORS** returned their verdict at 2:30 p.m., after only 3½ hours of deliberation. They convicted Manocchio of all the charges against him — one count each of accessory before the fact of the murders of Marfeo and Melei, and conspiracy to murder Marfeo.

State law calls for a mandatory life sentence for accessory before the fact of first-degree murder. The conspiracy charge carries a maximum 10-year sentence.

Manocchio had been free on bail for four years. But Judge Francis M. Kiely ordered him held without bail after the jury returned its verdict, and three state marshals quickly handcuffed him and led him away to the Providence County Court House cellblock.

Manocchio's lawyers quickly left the courtroom. But Asst. Atty. Gen. David Leach embraced Providence Police Det. Urbano Prignano, his prosecution assistant, and several other police rushed to the front of the courtroom to congratulate the team.

Judge Kiely scheduled arguments on a new trial for June 27. A new trial motion is the first step in attempting to overturn a jury's guilty verdict in a criminal case.

John J. "Red" Kelley, the robber-turned-informant who was the state's star witness against Manocchio, told the jurors he helped plan the logistics of the slaying, and identified Manocchio as one of those who participated in the planning.

Kelley — who was granted immunity from prosecution for his testimony and enrolled in the federal witness protection program when he turned state's evidence in 1969 — admitted on the witness stand that he had lied about certain

Turn to MANOCCHIO, Page A-10

EXHIBIT
768

*Continued from Page One*

details during the previous Marfeo-Melei trials.

★ ★ ★

**DEFENSE LAWYER** Martin K. Leppo told the jurors that Kelley was a liar whose testimony should not to be believed.

But Leach said after the verdict that the jury obviously believed Kelley was telling the truth now.

Leach said Leppo's attempt to have the case dismissed because of Kelley's admitted perjury in previous cases was without merit. Whether Kelley was a credible witness was up to the jury, he said.

Leach obtained the conviction despite Judge Kiely's ruling that the jury could not be told about Manocchio's 10-year absence from Rhode Island, and despite the refusal of two former co-defendants, Maurice R. "Pro" Lerner and Rudolph E. Sciarra, to testify. Both received six-month sentences for contempt of court for their refusal to testify.

Lerner and Sciarra, along with Patriarca, John Rossi and Robert Fairbrothers, were convicted in 1970 on charges stemming from the Marfeo-Melei slayings.

connection with the killings.

The state also was unable to introduce the testimony of Patriarca, who suffered a seizure while he was being questioned at home and was admitted to Miriam Hospital.

★ ★ ★

**SHORTLY AFTER** the verdict, Atty. Gen. Dennis J. Roberts II released an unusual press statement (he seldom comments on verdicts in criminal cases) saying the case is proof that "organized-crime interests cannot escape justice in the state of Rhode Island."

Roberts said Lerner, who is serving two life sentences for the Marfeo-Melei slayings, preferred "an extended prison sentence to incurring the wrath of his organized-crime associates."

Patriarca "succeeded without sanction in refusing to answer questions about Manocchio's role in the slayings by suddenly suffering an acute attack of illness at that point in the deposition when he was informed that having already been convicted in this case, he no longer enjoyed a constitutional right to refuse to testify on self-incrimination grounds," Roberts said.



**Leaving court**

*Louis Manocchio is escorted from Superior Court, Providence, where he was found guilty on several counts in connection with the 1968 gangland-style slaying of Rudolph Marfeo and Anthony Melei. Story, this page.*

—Journal-Bulletin Photo by RICHARD BENJAMIN

SUBJECT TO PROTECTIVE ORDER

FBI

TRANSMIT VIA:
- [ ] Teletype
- [ ] Facsimile
- [X] Airtel

PRECEDENCE:
- [ ] Immediate
- [ ] Priority
- [ ] Routine

CLASSIFICATION:
- [ ] TOP SECRET
- [ ] SECRET
- [ ] CONFIDENTIAL
- [ ] UNCLAS E F T O
- [ ] UNCLAS

Date 6/15/83

To: Director, FBI
(Attention: Administrative Services Division, Administrative Summary Unit, Supervisor Douglas Ball)

From: SAC, Boston

Subject: SUPERVISOR JOHN M. MORRIS
EOD 12/7/70
PERSONNEL MATTER

Retelcall to Supervisor Douglas Ball this date.

For the information of the Bureau, Supervisor John M. Morris is the New England Core-City Task Force Coordinator and is presently attending a Task Force Coordinators Conference in Chicago, Ill., 6/14-15/83.

On 6/15/83 Supervisor Morris telephonically advised ASAC Edward W. Ludemann that sometime on 6/14/83, he lost/stolen a leather folding notebook containing four FBI serials. He can only speculate that he either lost the serials at the Palmer House in Chicago where he was residing, in a cab which he took from the airport to the hotel or that this notebook was stolen from his hotel room although nothing else was missing. A theft report has been appropriately filed with the Chicago Police Department. These documents were necessary for Supervisor Morris to make a planned presentation at the conference.

REC-132 67-693564-79X
Searched ... Numbered ...

The serials which were lost do not contain operational information. The communications are teletypes which were sent from Albany, New Haven, Buffalo and Boston to FBIHQ. These teletypes are titled "Narcotics Policy Matters; Implementation of Federal Narcotics Task Force," and contain only case captions and number of men designated for each task force case from each division.

2 - Bureau
1 - Boston
EWL/bbr
(3)

SEE ASD ADDENDUM PAGE 3

11 SEP 12 1983

Approved: _____ Transmitted _____ (Number) (Time) Per

EXHIBIT 769

FBI-HCGR-000001861

PROTECTIVE ORDER

Supervisor Morris has contacted ASAC John Chadwick, Chicago Division, and advised him of the situation. Supervisor Morris has made an extensive and conscientious search in an attempt to locate his leather folding notebook with no success.

ACTION RECOMMENDED:

Supervisor Morris is fully aware of his responsibility of caring for Bureau communications and has assured the SAC of the Boston Office that in the future, he will be more conscientious in this regard. The SAC views this loss as pure carelessness and that Supervisor Morris failed to appropriately safeguard Bureau material. He does, however, note that based on his evaluation, the communications lost are general in nature and would not affect the substantive investigations in these matters even if the material was divulged to the wrong individuals.

Based on this assessment, the SAC recommends Supervisor Morris be censured for this matter.

U.S. Department of Justice

*United States Attorney*
*District of Massachusetts*

*1107 J.W. McCormack Post Office and Courthouse*
*Boston, Massachusetts 02109*

July 1, 1983

Brian A. Callery, Chairman
Massachusetts Parole Board
*Advisory* Board of Pardons
Leverett SaltonstLall Building
Government Center, 100 Cambridge Street
Boston, Massachusetts 02202

Re: Peter Limone - Petition for Commutation

Dear Mr. Callery:

Further to communications which you have already received from the Federal Bureau of Investigation and Suffolk County District Attorney Newman Flanagan, please be advised that it is the best information of this office and of the Justice Department's Organized Crime Strike Force in Boston 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, if he is released from prison and if they should become involved in litigation with the Government.

For the above reason, even apart from the cold-blooded nature of the offenses for which Mr. Limone was convicted, this office recommends most strongly that the petition for commutation of Mr. Limone's sentence be denied.

Very truly yours,

William F. Weld

WILLIAM F. WELD
United States Attorney

MWroth

Encl: Robert P. Gittens, Esquire
Deputy Chief Counsel to the Governor

92-605-1162

SEP 13 1983

Info copy: Jeremiah T. O'Sullivan, Chief Attorney, OCSF
ADA Leonard Ikeson, Suffolk County
SSA James Ring, FBI, Boston

BEST COPY

EXHIBIT 220

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

MAURICE LERNER :

VS. : M.P. NO:

JOHN MORAN, in his capacity as Director of the Adult Correctional Institutions : 803.05

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.

YORO LAW ASSOCIATES, INC.
[illegible] INDUSTRIAL BK BLDG
PROVIDENCE, R. I. 02903

EXHIBIT
771

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

MAURICE LERNER :

VS. : M.P. NO: 83-3005

JOHN MORAN, Director of :
Adult Correctional Institution :

AMENDED APPLICATION FOR POST CONVICTION RELIEF

Now comes the applicant, Maurice Lerner and pursuant to Rhode Island General Laws Section 10-9.1-1 et seq states that he stands convicted and sentenced for a crime and now claims that said conviction and sentence should be vacated and the indictment dismissed because:

a) The conviction and sentence was obtained in violation of your applicant's rights as provided under the Fourteenth Amendment to the United States Constitution.

b) The conviction and sentence was obtained in violation of your applicant's rights as provided under Article I Sections 5 and 10 of the Rhode Island Constitution and under the laws of the State of Rhode Island.

c) There exists evidence of material facts, not previously presented and heard, that 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:

set aside and your applicant be granted a new trial.

Respectfully,
MAURICE LERNER
By his Attorney

PETER DIBIASE
[redacted]
Providence, Rhode Island 02901

VERIFICATION

I, MAURICE LERNER, hereby verify and affirm that I have read the within Application for Post Conviction Relief and believe all the facts asserted therein are true and correct.

MAURICE LERNER

Subscribed and sworn to before me in [illegible] Rhode Island on the 19th day of July, 1983.

Notary Public

TORO LAW ASSOCIATES, INC. 86 INDUSTRIAL RD. BLDG PROVIDENCE, R. I. 02904

SUBJECT TO PROTECTIVE ORDER

July 25, 1983

PERSONAL

Mr. John M. Morris
Federal Bureau of Investigation
Boston, Massachusetts

Dear Mr. Morris:

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.

Very truly yours,

L. Clyde Groover, Jr.
Assistant Director
Administrative Services Division

1 - SAC, Boston (Personal Attention) Enclosure

The enclosed letter should be delivered to the employee at which time it should be insured that the employee fully understands the reason for the Bureau's action.

67-693564
1 - Boston Division Personnel File
1 - E. L. Wyne
FLG:mma (5)

Based on airtel from SAC, Boston, to Director, 6/15/83, EWL:bbr, and ASD addendum dated 7/19/83, FLG:mma.

EXHIBIT 772

FBI-HCGR-000001860

FBI

TRANSMIT VIA:
[ ] Teletype
[ ] Facsimile
[X] Airtel

PRECEDENCE:
[ ] Immediate
[ ] Priority
[ ] Routine

CLASSIFICATION:
[ ] TOP SECRET
[ ] SECRET
[ ] CONFIDENTIAL
[ ] UNCLAS E F T O
[ ] UNCLAS

Date 6/15/83

To: Director, FBI
(Attention: Administrative Services Division, Administrative Summary Unit, Supervisor Douglas Ball)

From: SAC, Boston

Subject: SUPERVISOR JOHN M. MORRIS
EOD 12/7/70
PERSONNEL MATTER

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REC-132 67-693564-79X
Searched 17 Numbered 79

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2 - Bureau
1 - Boston
EWL/bbr
(3)

SEE ASD ADDENDUM PAGE 3

38

11 SEP 12 1983

Approved: _____ Transmitted _____ (Number) (Time) Per _____

REQUEST FOR VOTE DATE: August 1, 1983

RE: PETER LIMONE

TYPE OF ACTION REQUESTED COMMUTATION

EXHIBIT 773

COMMENT: APPROVE SIGNATURE & DATE

Recommend to Commute Sentence to produce [illegible] 8-1-83 parole eligibility 12 months from Council vote. [redacted]

Recommend that sentence be commuted pre-release producing an eligibility [illegible] from council vote. 8-1-83 [redacted]

Concur with [redacted] 8/1/83 [redacted]

Concur [illegible] 8/1/83

[illegible] 8-1-83

[illegible] 8/1/83

Concur [redacted] Principal issue is incapacitation. All the relevant law enforcement authorities believe that Petitioner is and will continue to be a member of organized crime. The law, and clemency guidelines prohibit any favorable consideration in these circumstances

REQUEST FOR VOTE DATE:

RE: PETER LIMONE

TYPE OF ACTION REQUESTED COMMUTATION

| COMMENT: | APPROVE | SIGNATURE & DATE |
|---|---|---|
| Amend Vote of 8.6.85 to read: Recommend to commute sentence to produce parole eligibility nine months from vote of Governor's Council. | [redacted] | [redacted] 8.5.93 |
| [redacted] | DENY | |

OTHER

8-25-83

# Manocchio gets 2 life terms for gangland slaying

By TRACY BRETON
Journal-Bulletin Staff Writer

Thomas "Baby Shanks" Manocchio was sentenced yesterday to two consecutive life sentences plus 10 years for murder conspiracy, being an accessory to the 1968 gangland slayings of Rudolph Marfeo and Anthony Melei.

Superior Court Judge Francis M. Kiely slapped the 56-year-old Manocchio with the maximum sentences given under state law, as a different judge did 13 years ago when he convicted the triggerman in the gangland murders, Ronald Lerner.

Before the case was tried in June, Manocchio was offered, but rejected, according to one of his lawyers, a plea-bargaining agreement that would have required him to serve only about two years behind bars. Manocchio rejected the plea-bargain, Martin K. Leppo said, because he is innocent and wanted to put his fate in the hands of a jury.

In recommending maximum, consecutive sentences yesterday, prosecutor David H. Leach called Manocchio "the organizer ... of the plan who brought the parties together" for "an assassination."

"Nothing would warrant" a lesser sentence for Manocchio than Lerner received, Leach contended, because it was Manocchio, he insisted, who brought Lerner here from Brookline, Mass., to carry out the murder scheme.

He is "as guilty, if not more so than Mr. Lerner ... as guilty as if he pulled the trigger himself."

Defense lawyer Thomas A. DiLuglio told Kiely it would be "cruel and unusual punishment," in violation of Manocchio's constitutional rights, to levy consecutive sentences. With consecutive sentences, Manocchio will be 86 years old before the state's Parole Board even considers paroling him, DiLuglio argued, and there "is little likelihood he would even be alive at that time."

* * *

BUT JUDGE KIELY apparently wasn't impressed with that argument, or Manocchio's statement just prior to sentencing that he doesn't even know his accuser, John J. "Red" Kelley. He's "a man I never met in my life," the defendant insisted.

"Mr. Manocchio, you participated in the assassination of two human beings. Our civilized society cannot and will not tolerate such a crime by anyone," the judge said just before imposing the consecutive sentences.

He also rejected defense motions to release Manocchio on bail pending the outcome of his appeal to the Rhode Island Supreme Court.

Manocchio was the last defendant tried for the April 20, 1968, slayings of Marfeo and Melei in a Pocasset Avenue grocery store. After 10 years as a fugitive he turned himself in to face the charges in 1979, and was free on bail from then until his conviction in June. In his absence, five other men were convicted in connection with the slayings, including New England crime boss Raymond L.S. Patriarca.

Patriarca, Rudolph E. Sciarra, Robert Fairbrothers and the late John F. Rossi were all convicted of conspiring to murder and served 10-year sentences. Lerner was found guilty of two counts of first-degree murder and conspiracy in the same 1970 trial.

EXHIBIT
774

U.S. Department of Justice

*United States Attorney*
*District of Massachusetts*

*1107 J.W. McCormack Post Office and Courthouse*
*Boston, Massachusetts 02109*

September 12, 1983

Hon. Michael S. Dukakis
Governor
Commonwealth of Massachusetts
State House
Boston, MA 02133

Re: Peter Limone--Petition for Commutation

Dear Governor Dukakis:

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, if Mr. Limone is released from prison and if these top-level members should become involved in litigation with the Government.

The Federal Bureau of Investigation, the Suffolk County District Attorney, and this office all submitted letters to the Massachusetts Parole Board regarding Mr. Limone's petition. I am enclosing copies of these letters for your information.

Under the circumstances, it is the strong recommendation of this office that the petition for commutation of Peter Limone's sentence be denied.

Sincerely yours,

William F. Weld

WILLIAM F. WELD
United States Attorney

Enclosures

WFW:efb

bcc: Jeremiah T. O'Sullivan, Chief Attorney, OCSF
James W. Greenleaf, Special Agent in Charge, FBI
Newman A. Flanagan, District Attorney, Suffolk County

EXHIBIT
775

The Boston Globe
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Wednesday, July 22, 1998

METRO/REGION

# Cases disappear as FBI looks away

Shelly Murphy, Globe Staff

WED

This Spotlight Team 5-part series was prepared by editor Gerard O'Neill and reporters Dick Lehr, Michell Zuckoff, and Shelley Murphy. Today's installment was written by Murphy. PART 4 WHITEY & THE FBI: PRICE OF PROTECTION

At the dawn of his deal with the FBI, James "Whitey" Bulger was an angry leg breaker at a Dedham restaurant looking to collect an unpaid loan. Leaning across a table, he gave the owner a choice: Pay, or have his ears cut off and stuffed in his mouth.

Restaurateur Francis X. Green told his story to the FBI, expecting protection and prosecution. But Bulger had an ace in the hole. He worked for the FBI.

Looking back, the 1976 incident at the Back Side Restaurant was a turning point. An extortion case, built on a credible, cooperative witness, might have stopped Bulger and his partner, Stephen "The Rifleman" Flemmi, from launching a 15-year crime spree.

Instead, the FBI did nothing, sending a powerful message to two of the region's most ruthless organized crime figures: As long as you're with us, we won't bother you.

As a result, Bulger and Flemmi became sanctioned career criminals while spying on the underworld for the FBI. Despite solid evidence indicating Bulger and Flemmi were involved in murders, shakedowns, and drug dealing, the FBI looked the other way throughout the 1970s and 1980s.

It made no difference who the victims were, fellow wise guys or innocent people. And it didn't matter if the victims were willing to cooperate with the FBI or were scared silent. In some cases, the bureau even helped the gangsters by leaking information to them about ongoing investigations.

Recent court testimony shows the deflected cases ranged from the momentous to the mundane, but the consistent thread running through most of them is the involvement of Bulger's handler, former FBI agent

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John Connolly of South Boston.

Some potential cases that went nowhere:

- In 1982, a wise guy turned FBI informant was gunned down after Connolly, according to testimony, told Bulger and Flemmi that the man had implicated them in a string of gangland slayings and the murder of an Oklahoma businessman.

- In 1984, a Boston police detective told Connolly that Bulger and Flemmi were trying to seize a liquor store owned by the detective's relatives with a "can't refuse" offer. But Connolly did not report the incident to superiors and, within days, Bulger sent word to the victims that he knew they had complained to the FBI and warned them to "back off."

- In the late 1980s, FBI agents John Newton and Roderick Kennedy failed to document or follow up on a realtor's claim that a gun-toting Bulger threatened to stuff him in a body bag if the realtor didn't pay him $50,000.

- In 1988, another FBI agent, supervisor John Morris, who had pocketed $7,000 in payoffs from Bulger, warned Bulger and Flemmi that the FBI had tapped the telephone of a Roxbury bookmaker who worked for them. While indictments resulted from the wiretap, including some Boston policemen for taking payoffs, Bulger and Flemmi went untouched.

Although there is evidence that Connolly protected Bulger and Flemmi, he was not alone. Supervisors and fellow agents often were swayed by hisclaim there was insufficient evidence to target the pair or that they were too valuable to the FBI.

For example, FBI agent James Blackburn testified he never pursued allegations that Bulger was shaking down a South Boston drug dealer in 1988 after Connolly told him it wasn't true. And agent James J. Lavin III testified that in 1987 he ignored evidence that city workers erected guardrails on private property outside the South Boston liquor store controlled by Bulger after Connolly reminded him that Bulger was an indispensable informant.

In the end, Bulger and Flemmi were always suspects, but never defendants; always informants, never targets.

Last April, Connolly refused to testify at federal court hearings exploring the FBI's controversial relationship with Bulger and Flemmi, citing his Fifth Amendment right not to incriminate himself. In interviews, he has accused other agents of lying when they

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testified critically about his handling of Bulger and Flemmi.

"I'm not a rogue agent," Connolly said recently. "Anything I ever did, i did lawfully. I have no trouble with what I did. I did it for the FBI, all the way to D.C. , constant oversight."

But the record now shows that the deal -- protection for information -- left the bureau shortchanged, co-opted, and compromised.

In a telling aside during recent testimony, one of Connolly's closest associates in the bureau, former agent Nicholas Gianturco, talked about entertaining Bulger and Flemmi at his Peabody home. "I felt comfortable having them to the house," he said. "It was not an adversarial relationship." ALL TOGETHER IN ONE ROOM

It was an improbable convergence of characters that put two of the region's top prosecutors under the same roof in Dedham with three gangsters while the hoodlums were extorting the owner of the establishment across the room.

In late 1976, then-Norfolk County District Attorney William Delahunt had just ordered dinner at the Back Side Restaurant and was awaiting the arrival of Martin Boudreau, a law school classmate and federal prosecutor, when he looked up to see another old acquaintance approaching his table.

It was Johnny Martorano, a well-known gangster who had attended grammar school with Delahunt in Quincy. Martorano and two other men had just entered the restaurant. While his companions moved to a cocktail table near the bar, Martorano chatted with Delahunt about the different paths they had taken since their school days, joking that there was more honor in his world than among bankers and lawyers. Flemmi joined the conversation briefly.

After Delahunt went back to his meal and was joined by Boudreau, the number-two prosecutor in the Federal Organized Crime Strike Force, the restaurant owner was summoned to sit with Bulger, Flemmi, and Martorano to talk about a serious arrearage of $175,000. According to later investigative reports, it was Bulger who delivered the pay-or-die ultimatum.

A few weeks later, Delahunt learned what really had brought his old schoolmate to Dedham. Delahunt said Edward Harrington, former chief of the New England Organized Crime Strike Force, called to tell him that Bulger and his friends had threatened Green, the restaurant owner, over an unpaid loan. And he said Green feared Martorano had connections to Delahunt after seeing them banter that night.

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After reassuring Harrington he had no ties to Martorano, Delahunt said prosecutors assigned to his office interviewed Green and later turned the case file over to the FBI. Green, who declined to be interviewed by the Globe, is quoted in investigative reports as saying Bulger and Flemmi threatened to kill him if he didn't repay a loan from a Boston credit union.

"It's our money," Bulger told Green, threatening to "positively kill him"and mutilate his face, according to an FBI report. Ears off, eyes out.

FBI agents Thomas Daly and Peter Kennedy interviewed Green on Oct. 13, 1977, and noted in their report that Flemmi told Green that nobody would get hurt if he made arrangements with the woman at the credit union who handled the loan. They wanted a $25,000 installment immediately.

In a recent interview with the Globe, Rita Tobias of Belmont confirmed that she loaned Green money through the finance company -- but said the amount was closer to $20,000. She insisted she doesn't know Bulger or Flemmi and hadn't gone to them for help.

The following year, Green became a star government witness, but not against Bulger or his friends. Federal prosecutors used Green's testimony in an unrelated public corruption case to win a tax-evasion and bribery conviction against a Boston official. Bulger and Flemmi went unpunished and unchallenged.

Months after turning the Green case over to the FBI, Delahunt, now a Massachusetts congressman, said he asked Jeremiah T. O'Sullivan, chief of the New England Organized Crime Strike Force, what became of the investigation and was told: "It just didn't work out." O'Sullivan's lawyer, Hugh Scott, declined comment on the incident, saying it would be inappropriate because of the ongoing federal hearings.

Harrington, now a federal judge, was working as a lawyer for a private law firm in Boston when Green reported his threatening encounter with Bulger and Flemmi in 1976. The following year, Harrington became US Attorney for Massachusetts, a job he held when his public corruption squad used Green to make a case against the Boston official.

Today, when asked about his role in the Green case and why it never led to charges against Bulger or Flemmi, Harrington said, "In view of the fact that I am a federal judge and wish not to be involved in a proceeding before another federal judge, I decline to comment on the matter." BULGER IMPLICATED, MOBSTER KILLED

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Brian Halloran was a dead man. And the FBI knew it.

Just a few days before Halloran was gunned down along the Boston waterfront, an FBI official whispered to then-US Attorney William F. Weld, "I would not want to be standing next to this guy."

In fact, the FBI's decision to deny Halloran entry into its witness protection program may have cost Halloran his life.

Halloran was awaiting trial for the murder of a drug dealer in January 1982 when he walked into the FBI's Boston office and announced he wanted to cooperate against Bulger and Flemmi because he feared they were trying to kill him.

He offered to "go all the way" against the two, but wanted immunity from prosecution and protection for himself and his family, according to the FBI report. A member of the Winter Hill gang who had frequent dealings with Bulger and Flemmi, Halloran told a tale of murder and mayhem.

For openers, he described how he dropped off South Boston bookmaker Louis Litif at Triple O's tavern on April 12, 1980, for an after-hours meeting with Bulger. Moments later, Halloran said, he watched as Bulger and an associate lugged Litif's plastic-wrapped body out the back door of the South Boston bar and dumped it into the trunk of Litif's new Lincoln. The car and the body were later found in the South End.

Then Halloran moved on to another bloody murder scene, this one in Oklahoma. He claimed he could help solve the shooting death of millionaire Roger Wheeler, the Telex Corp. chairman who was shot to death on May 27, 1981, outside an exclusive Tulsa country club.

Wheeler had bought World Jai Alai (WJA) three years earlier and suspected Somerville's Winter Hill gang of skimming profits from the company's operation in Connecticut.

Halloran claimed that his friend, John Callahan, former president of WJA, summoned him to a meeting with Bulger and Flemmi in January 1981 at Callahan's Boston waterfront apartment.

Halloran said Callahan asked him to murder Wheeler, who suspected that employees who remained loyal to Callahan were doing the skimming. Later, Halloran said, Callahan told him he wasn't needed and the murder was carried out by Bulger, Flemmi, and John Martorano.

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Despite the significance of Halloran's account, authorities in Oklahoma say the FBI in Boston never shared it with them.

Instead, FBI agent Morris said he passed along word to Connolly that Halloran was cooperating with another squad in the FBI against his two prized informants.

Morris testified that Connolly then told Bulger and Flemmi that Halloran had implicated them in Wheeler's murder, prompting Connolly to file an informant report from Bulger arguing that "there was no way that they would have been involved with Halloran in connection with anything, let alone murder."

Ultimately, the FBI, along with Strike Force Chief O'Sullivan, concluded that Halloran was unreliable and turned him away from an FBI safe house on Cape Cod.

Weeks later, on May 11, 1982, Halloran was gunned down as he left a bar on Northern Avenue in South Boston. Callahan, being sought for questioning as a potential witness in the Halloran and Wheeler slayings, was found murdered three months later in Miami.

In a recent interview, Connolly said he "absolutely never" told Bulger and Flemmi that Halloran had turned FBI informant against them before he was killed. Connolly said he filed reports before Halloran's death noting that Bulger claimed the Mafia was going to kill Halloran.

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The distrust spilled over into the Boston office, as the agent assigned to the Wheeler case accused Connolly of "rifling" his file and leaking information to Bulger and Flemmi that would help them establish alibis. Connolly vehemently denies the charge.

At first, Connolly refused to call in Bulger and Flemmi to have them photographed so investigators in Oklahoma could show their pictures to potential witnesses. According to recent testimony by James Ring, who was then supervisor of the organized-crime squad, Connolly became "defensive" about the photo request, arguing that Bulger and Flemmi had proclaimed their innocence. Connolly relented only after Ring threatened to drop Bulger and Flemmi as informants.

Still, the FBI didn't force Bulger and Flemmi to take polygraph examinations after they refused. In contrast, Halloran was dropped as an informant when he refused to take the lie detector test.

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"For a long time we thought, it's just pure incompetence," said Wheeler's son, David, who now believes the FBI has obstructed the investigation into his father's murder. "But I never dreamed it was as extensive as it is." WHITEY AND STEVIE GO SHOPPING

It was Christmas time 1983 and Whitey Bulger and Stevie Flemmi were out shopping. They were cruising around South Boston when they saw something they wanted: a newly renovated liquor store on the site of what had until recently been an abandoned gas station.

It meant nothing to Bulger and Flemmi that Stephen and Julie Rakes didn't want to sell Stippo's Liquor Mart on Old Colony Avenue.

During a menacing visit to the Rakes's South Boston home during the first week of the new year, Bulger and Flemmi handed Stephen Rakes a bag stuffed with $67,000 cash and announced they were buying the liquor store, according to testimony.

"We don't want to sell it," said Rakes, who was home with his two young daughters while his wife was working at the store.

Flemmi allegedly sat down at the kitchen table, pulled one of Rakes's blond-haired daughters onto his lap, and set a gun on the table in front of her. The curious toddler picked up the gun and playfully sucked on the handle, according to federal grand jury testimony revealed in court.

"It would be a shame not to see your children grow up," Bulger allegedly said.

A horrified Rakes called his wife at the store and told her to pack up all their belongings and come home.

Within days, then-Boston Police Detective Joseph Lundbohm said he went to Connolly on behalf of his niece, Julie Rakes, unaware that Bulger and Flemmi were informants and Connolly was their handler.

Connolly said he took no action to stop the hostile takeover by Bulger and Flemmi because the couple "did not want to get wired up and they did not want to be witnesses. How do you make a case like that?"

It was a chilling lesson for the Rakeses, who discovered a few days later that Bulger knew they had complained to the FBI.

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"Whitey said to back off," Stephen Rakes told Lundbohm, who said he suspected Connolly tipped Bulger about their meeting. In a Globe interview, Connolly denied leaking the information.

Connolly said he couldn't recall whether he reported the incident to his supervisor, but federal prosecutors said a search of FBI files failed to uncover any paperwork on it. It appears Connolly made a unilateral decision to neither investigate the extortion nor pass it along to a supervisor.

The store was sold to Bulger's friend, Kevin Weeks -- at least on paper -- without a hitch and was renamed the South Boston Liquor Mart. It immediately became a new hangout for Bulger and Flemmi.

Soon, the FBI was patronizing Bulger's store. A 1990 raid of the Liquor Mart by the Drug Enforcement Administration, the Suffolk County Organized Crime Squad, and the IRS uncovered a receipt indicating the FBI bought liquor at discount prices to give away at its annual Christmas party months earlier.

The receipt indicated that the liquor was purchased by agent Dick Baker, the party organizer. And a separate piece of notebook paper indicated who the agent was: "Dick Baker (friend of John Connolly)." Connolly does not deny the FBI bought liquor at the store but says the piece of paper with his name on it was planted. NO FBI FOLLOWUP TO EXTORTION

Years after Louis Litif was allegedly murdered in Triple O's, Bulger and his friends summoned an unsuspecting businessman to a meeting in the Broadway tavern, according to court documents and recent testimony.

"Someone hired me to kill you," Bulger told South Boston realtor Raymond Slinger, after calling him to a meeting in an upstairs apartment in the late 1980s.

Bulger, accompanied by his friends Kevin Weeks and Kevin O'Neil, said he was willing to spare Slinger's life in exchange for cold cash. But, when Slinger had the audacity to arrive at a follow-up meeting with the trio packing a gun, he was beaten and kicked as an enraged Bulger ordered his friends to "go downstairs and get a body bag."

After Bulger's demand increased to $50,000, Slinger reported the extortion to the FBI. Agent John Newton testified that the FBI had "a great case" against Bulger because Slinger was willing to wear a wire and testify.

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Still, the FBI took no action.

Days later, O'Neil told Slinger that he'd only have to pay $25,000, but "there wasn't going to be any FBI investigation," according to testimony in the federal court hearings.

Newton's supervisor, Bruce Ellavsky, testified that the FBI dropped the case because the extortion stopped and Slinger no longer wanted to go forward.

Yet, Ellavsky couldn't explain why there were noFBI reports on the incident. There was no mystery about why Bulger and Flemmi never got caught up in an FBI investigation in the late 1980s of a Roxbury bookie who was paying them "rent" and dealing extensively with them. The pair were warned to stay away by agent John Morris because a wiretap was going into John Baharoian's office.

Morris, who had taken three bribes from Bulger, was concerned that the pair could give him up if they were caught and indicted.

But he also testified he was tired of the hold Bulger and Flemmi had on him and the relentless expansion of their criminal network. And he wanted no more blood on his hands. Leave Baharoian alone, the former organized-crime supervisor told them. "I don't want any more Ballorans."

---- INDEX REFERENCES ----

KEY WORDS: BOSTON; ORGANIZED CRIME; NAME-BULGER; SPOTLIGHT; SERIES; NAME-FLEMMI

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 99-10428 - JLT |
| v. | : | Racketeering<br>(18 U.S.C. §1962(c)) |
| JOHN J. CONNOLLY, JR. and<br>STEPHEN FLEMMI | : | Racketeering Conspiracy<br>(18 U.S.C. §1962(d)) |
| | : | Conspiracy to Obstruct Justice<br>(18 U.S.C. §371) |
| | : | Obstruction of Justice<br>(18 U.S.C. §§1503, 1512) |
| | : | False Statement<br>(18 U.S.C. §1001) |

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE - Racketeering
(John J. Connolly, Jr.)

GENERAL ALLEGATIONS

1. From November 1968 to December 1990, the defendant JOHN J. CONNOLLY JR. ("CONNOLLY") was a Special Agent of the Federal Bureau of Investigation ("FBI"). From February 1973 until his retirement in December 1990, CONNOLLY was assigned to the Boston Field Office of the FBI.

2. At all times material to this Indictment, the "Winter Hill Gang" was a clandestine

EXHIBIT
778

protect Bulger's and Flemmi's ongoing criminal activities in violation of his official duty, in violation of Title 18, United States Code, Sections 201(b) and 2.

B. INTERFERENCE WITH INTERSTATE COMMERCE BY EXTORTION

**Racketeering Act 6**

28. CONNOLLY committed the following acts, any one of which alone constitutes Racketeering Act 6:

**Racketeering Act #6A**

29. In or about December 1983, the exact date being unknown, Stephen Rakes and his wife, Julie Rakes, opened a liquor store at 295 Old Colony Avenue, South Boston, Massachusetts.

30. In or about January 1984, the exact date being unknown, Bulger, Flemmi and Kevin Weeks threatened Stephen Rakes with physical harm if he refused to convey the liquor store to them.

31. Shortly thereafter, Joseph Lundbohm, then a Boston police officer, approached CONNOLLY on behalf of the Rakes, to report the extortionate demands of Bulger and Flemmi.

32. In response to Joseph Lundbohm's report, CONNOLLY falsely told Lundbohm that unless Rakes agreed to wear a recording device in conversations with Bulger and Flemmi, the FBI was unlikely to take action on the complaint.

33. Stephen Rakes acceded to the extortionate demands of Bulger and Flemmi, and Stephen Rakes and Julie Rakes conveyed their interest in the liquor store to Kevin Weeks, who was acting on behalf of Bulger and Flemmi.

34. In violation of FBI regulations, and in a further effort to protect the extortionate activities of Bulger and Flemmi, CONNOLLY failed to report or to otherwise memorialize on any official FBI document the information that he had received from Joseph Lundbohm.

35. In or about January through May 1984, the exact date being unknown, in the District of Massachusetts, Bulger and Flemmi, aided and abetted by CONNOLLY, obstructed, delayed, and affected commerce by extortion, in violation of Title 18, United States Code, Sections 1951 and 2.

**Racketeering Act #6B**

36. The allegations contained in Paragraphs 29 through 34 of Racketeering Act 6A are realleged in this Racketeering Act and are incorporated by reference as if fully set forth.

37. In or about January through May 1984, the exact date being unknown, in the District of Massachusetts, Bulger and Flemmi, aided and abetted by CONNOLLY, conspired to obstruct, delay, and affect commerce by extortion, in violation of Title 18, United States Code, Sections 1951 and 2.

C. OBSTRUCTION OF JUSTICE AND WITNESS TAMPERING

**Racketeering Act #7**

38. On or about July 31, 1975, Joseph McDonald and James Sims, both members of the Winter Hill Gang were charged with crimes in a federal indictment in the District of Massachusetts. Joseph McDonald and James Sims became fugitives from that charge.

39. In 1976 Richard Castucci was a nightclub owner and bookmaker who associated with the Winter Hill Gang. At the behest of the Winter Hill Gang, Castucci subsequently assisted

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METRO/REGION

# Cases disappear as FBI looks away

Shelly Murphy, Globe Staff

WBD

This Spotlight Team 5-part series was prepared by editor Gerard O'Neill and reporters Dick Lehr, Michell Zuckoff, and Shelley Murphy. Today's installment was written by Murphy. PART 4 WHITEY & THE FBI: PRICE OF PROTECTION

At the dawn of his deal with the FBI, James "Whitey" Bulger was an angry leg breaker at a Dedham restaurant looking to collect an unpaid loan. Leaning across a table, he gave the owner a choice: Pay, or have his ears cut off and stuffed in his mouth.

Restaurateur Francis X. Green told his story to the FBI, expecting protection and prosecution. But Bulger had an ace in the hole. He worked for the FBI.

Looking back, the 1976 incident at the Back Side Restaurant was a turning point. An extortion case, built on a credible, cooperative witness, might have stopped Bulger and his partner, Stephen "The Rifleman" Flemmi, from launching a 15-year crime spree.

Instead, the FBI did nothing, sending a powerful message to two of the region's most ruthless organized crime figures: As long as you're with us, we won't bother you.

As a result, Bulger and Flemmi became sanctioned career criminals while spying on the underworld for the FBI. Despite solid evidence indicating Bulger and Flemmi were involved in murders, shakedowns, and drug dealing, the FBI looked the other way throughout the 1970s and 1980s.

It made no difference who the victims were, fellow wise guys or innocent people. And it didn't matter if the victims were willing to cooperate with the FBI or were scared silent. In some cases, the bureau even helped the gangsters by leaking information to them about ongoing investigations.

Recent court testimony shows the deflected cases ranged from the momentous to the mundane, but the consistent thread running through most of them is the involvement of Bulger's handler, former FBI agent

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John Connolly of South Boston.

Some potential cases that went nowhere:

- In 1982, a wise guy turned FBI informant was gunned down after Connolly, according to testimony, told Bulger and Flemmi that the man had implicated them in a string of gangland slayings and the murder of an Oklahoma businessman.

- In 1984, a Boston police detective told Connolly that Bulger and Flemmi were trying to seize a liquor store owned by the detective's relatives with a "can't refuse" offer. But Connolly did not report the incident to superiors and, within days, Bulger sent word to the victims that he knew they had complained to the FBI and warned them to "back off."

- In the late 1980s, FBI agents John Newton and Roderick Kennedy failed to document or follow up on a realtor's claim that a gun-toting Bulger threatened to stuff him in a body bag if the realtor didn't pay him $50,000.

- In 1988, another FBI agent, supervisor John Morris, who had pocketed $7,000 in payoffs from Bulger, warned Bulger and Flemmi that the FBI had tapped the telephone of a Roxbury bookmaker who worked for them. While indictments resulted from the wiretap, including some Boston policemen for taking payoffs, Bulger and Flemmi went untouched.

Although there is evidence that Connolly protected Bulger and Flemmi, he was not alone. Supervisors and fellow agents often were swayed by hisclaim there was insufficient evidence to target the pair or that they were too valuable to the FBI.

For example, FBI agent James Blackburn testified he never pursued allegations that Bulger was shaking down a South Boston drug dealer in 1988 after Connolly told him it wasn't true. And agent James J. Lavin III testified that in 1987 he ignored evidence that city workers erected guardrails on private property outside the South Boston liquor store controlled by Bulger after Connolly reminded him that Bulger was an indispensable informant.

In the end, Bulger and Flemmi were always suspects, but never defendants; always informants, never targets.

Last April, Connolly refused to testify at federal court hearings exploring the FBI's controversial relationship with Bulger and Flemmi, citing his Fifth Amendment right not to incriminate himself. In interviews, he has accused other agents of lying when they

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testified critically about his handling of Bulger and Flemmi.

"I'm not a rogue agent," Connolly said recently. "Anything I ever did, I did lawfully. I have no trouble with what I did. I did it for the FBI, all the way to D.C. , constant oversight."

But the record now shows that the deal -- protection for information -- left the bureau shortchanged, co-opted, and compromised.

In a telling aside during recent testimony, one of Connolly's closest associates in the bureau, former agent Nicholas Gianturco, talked about entertaining Bulger and Flemmi at his Peabody home. "I felt comfortable having them to the house," he said. "It was not an adversarial relationship." ALL TOGETHER IN ONE ROOM

It was an improbable convergence of characters that put two of the region's top prosecutors under the same roof in Dedham with three gangsters while the hoodlums were extorting the owner of the establishment across the room.

In late 1976, then-Norfolk County District Attorney William Delahunt had just ordered dinner at the Back Side Restaurant and was awaiting the arrival of Martin Boudreau, a law school classmate and federal prosecutor, when he looked up to see another old acquaintance approaching his table.

It was Johnny Martorano, a well-known gangster who had attended grammar school with Delahunt in Quincy. Martorano and two other men had just entered the restaurant. While his companions moved to a cocktail table near the bar, Martorano chatted with Delahunt about the different paths they had taken since their school days, joking that there was more honor in his world than among bankers and lawyers. Flemmi joined the conversation briefly.

After Delahunt went back to his meal and was joined by Boudreau, the number-two prosecutor in the Federal Organized Crime Strike Force, the restaurant owner was summoned to sit with Bulger, Flemmi, and Martorano to talk about a serious arrearage of $175,000. According to later investigative reports, it was Bulger who delivered the pay-or-die ultimatum.

A few weeks later, Delahunt learned what really had brought his old schoolmate to Dedham. Delahunt said Edward Harrington, former chief of the New England Organized Crime Strike Force, called to tell him that Bulger and his friends had threatened Green, the restaurant owner, over an unpaid loan. And he said Green feared Martorano had connections to Delahunt after seeing them banter that night.

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After reassuring Harrington he had no ties to Martorano, Delahunt said prosecutors assigned to his office interviewed Green and later turned the case file over to the FBI. Green, who declined to be interviewed by the Globe, is quoted in investigative reports as saying Bulger and Flemmi threatened to kill him if he didn't repay a loan from a Boston credit union.

"It's our money," Bulger told Green, threatening to "positively kill him"and mutilate his face, according to an FBI report. Ears off, eyes out.

FBI agents Thomas Daly and Peter Kennedy interviewed Green on Oct. 13, 1977, and noted in their report that Flemmi told Green that nobody would get hurt if he made arrangements with the woman at the credit union who handled the loan. They wanted a $25,000 installment immediately.

In a recent interview with the Globe, Rita Tobias of Belmont confirmed that she loaned Green money through the finance company -- but said the amount was closer to $20,000. She insisted she doesn't know Bulger or Flemmi and hadn't gone to them for help.

The following year, Green became a star government witness, but not against Bulger or his friends. Federal prosecutors used Green's testimony in an unrelated public corruption case to win a tax-evasion and bribery conviction against a Boston official. Bulger and Flemmi went unpunished and unchallenged.

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Years after Louis Litif was allegedly murdered in Triple O's, Bulger and his friends summoned an unsuspecting businessman to a meeting in the Broadway tavern, according to court documents and recent testimony.

"Someone hired me to kill you," Bulger told South Boston realtor Raymond Slinger, after calling him to a meeting in an upstairs apartment in the late 1980s.

Bulger, accompanied by his friends Kevin Weeks and Kevin O'Neil, said he was willing to spare Slinger's life in exchange for cold cash. But, when Slinger had the audacity to arrive at a follow-up meeting with the trio packing a gun, he was beaten and kicked as an enraged Bulger ordered his friends to "go downstairs and get a body bag."

After Bulger's demand increased to $50,000, Slinger reported the extortion to the FBI. Agent John Newton testified that the FBI had "a great case" against Bulger because Slinger was willing to wear a wire and testify.

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Still, the FBI took no action.

Days later, O'Neil told Slinger that he'd only have to pay $25,000, but "there wasn't going to be any FBI investigation," according to testimony in the federal court hearings.

Newton's supervisor, Bruce Ellavsky, testified that the FBI dropped the case because the extortion stopped and Slinger no longer wanted to go forward.

Yet, Ellavsky couldn't explain why there were noFBI reports on the incident. There was no mystery about why Bulger and Flemmi never got caught up in an FBI investigation in the late 1980s of a Roxbury bookie who was paying them "rent" and dealing extensively with them. The pair were warned to stay away by agent John Morris because a wiretap was going into John Baharoian's office.

Morris, who had taken three bribes from Bulger, was concerned that the pair could give him up if they were caught and indicted.

But he also testified he was tired of the hold Bulger and Flemmi had on him and the relentless expansion of their criminal network. And he wanted no more blood on his hands. Leave Baharoian alone, the former organized-crime supervisor told them. "I don't want any more Hallorans."

---- INDEX REFERENCES ----

KEY WORDS: BOSTON; ORGANIZED CRIME; NAME-BULGER; SPOTLIGHT; SERIES; NAME-FLEMMI

NEWS SUBJECT: Local/Regional Section (LCR)

EDITION: CITY EDITION

Word Count: 3145

7/22/98 BOSTONG A1

END OF DOCUMENT

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The Boston Globe
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Saturday, May 19, 2001

Metro/Region

# 'THEY'RE WILLING TO KILL ANYBODY' STEPHEN RAKES RECALLS THE YEARS OF TERROR DURING WHICH BULGER AND FLEMMI FORCED HIM TO SELL HIS LIQUOR STORE AND FRIGHTENED HIM INTO SILENCE

Shelley Murphy, Globe Staff

For 17 years Stephen Rakes has lived in fear, constantly looking over his shoulder for James "Whitey" Bulger and Stephen Flemmi, the menacing gangsters he says stole his business and threatened to kill him.

Convinced that he was being stalked by a Bulger associate while working in the tunnel at the Broadway MBTA station in 1995, Rakes fled down the tracks and suffered a shock when he brushed against the electrified third rail.

But today it's Bulger, one of the FBI's 10 Most Wanted, who is on the run. And Rakes, who was threatened with prison for refusing to testify against Bulger and his gang during the 1980s, is now a key government witness against them.

Last week, Rakes, his former wife, Julie Dammers, and their three children filed a legal claim against the FBI seeking $120 million in damages, alleging that the agency destroyed their lives while protecting Bulger and Flemmi, their longtime informants.

"Even if I didn't step up to the plate years ago, I feel great that I'm able to step up to the plate now," said Rakes, speaking publicly for the first time about how Bulger and Flemmi allegedly stole his South Boston liquor store in 1984 and frightened him into silence for years.

"I was always afraid they were going to pull up some day and just shoot me," said Rakes, 47, who still lives in South Boston. "Every day I look over my shoulder. I trust absolutely no one."

Rakes said he never left the area because he believed Bulger would track him down, and "I felt like I was safer in South Boston than anywhere because I knew every street and every alley."

About a week after the Rakeses converted a dilapidated gas station on Old Colony Avenue into a financially promising liquor store in

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January 1984, Rakes was home with his two young daughters when Bulger, Flemmi, and an associate, Kevin Weeks, knocked on the door of his East Fourth Street home.

Although a brother and a sister of Rakes were indicted in 1990 and later convicted for being members of a South Boston cocaine ring that paid tribute to Bulger, Rakes said he was never part of Bulger's group.

"You've got a problem. We were hired to kill you," Rakes said Bulger warned him calmly that cold winter night. Other liquor store owners in the area were upset that Rakes was charging discount prices. So Bulger offered Rakes what he termed "a better deal."

"We're going to buy the store," Bulger announced matter-of-factly.

.. Bulger was furious when Rakes said it wasn't for sale. "He was shooting me with his eyes, bullet-piercing eyes. He scared the hell out of me and everything was a threat: I'll [expletive] kill you. You don't know how lucky you are."

The conversation moved to the kitchen, where Flemmi pulled 1-year-old Meredith Rakes onto his lap. Rakes, crying at the memory, recalled the helplessness and horror he felt.

"He puts a gun on the table and looks at me, like, 'What are you going to do?' " said Rakes. His daughter, meanwhile, dressed in pink and yellow pajamas, was innocently "spinning the gun around, like it was a toy."

Flemmi ruffled the child's blond hair, Rakes recalled, and smirked, "Would you like to have your daughter grow up without a father?"

Bulger sat on a chair next to Rakes, clicking a switchblade, while Weeks, whose sister married one of Rakes's brothers several years ago, sat stone-faced and quiet.

"There was not a damn thing I could do," Rakes said. "There's nothing you can do because they've got guns and they're willing to kill anybody. Life is nothing to them. You've got something they want, they'll take it. And that's just what happened."

Rakes said Bulger tossed him a bag stuffed with $67,000 in cash, mostly 10s and 20s, and said, "Now we own the liquor store."

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Threatened with death if he reported the shakedown, Rakes insisted the sale was voluntary when he testified before federal grand juries targeting Bulger in 1991 and 1995. A jury convicted Rakes of perjury and obstruction of justice in June 1998, but he escaped prison after agreeing to cooperate with authorities.

After losing the store, Rakes said he went to Disney World with his family, only to be ordered back by Bulger, who forced him to stand on a South Boston corner for two days to quell rumors that Bulger had killed him.

Rakes's wife sought help from her uncle, Boston Police Detective Joseph Lundbohm, who reported the takeover of the store to FBI Agent John J. Connolly Jr., unaware that Bulger and Flemmi were informants and Connolly was their handler.

In a 1998 Globe interview, Connolly confirmed that Lundbohm had told him that Bulger and Flemmi had seized the store, but Connolly said he didn't take action because the Rakeses "did not want to get wired up and they did not want to be witnesses. How do you make a case like that?"

A day after Connolly was warned about the shakedown, Rakes said Bulger paid him a visit and warned him that he'd better tell Lundbohm to "back off."

"I was more scared then than I ever was," said Rakes. "I figured he had a pipeline right to the FBI."

After Rakes lied to the grand jury in 1991, Bulger confronted him on his way home from the courthouse and revealed that he knew everything that had happened in the secret, closed-door proceeding, Rakes said.

"He had a piece of paper in front of him and he had all of the questions that the prosecutor had asked me," said Rakes. "I said, 'Thank God I went in there and lied like crazy or I'd be dead by now.' "

Connolly was charged in 1999 with protecting Bulger and Flemmi from prosecution in the Rakes case and leaking information that caused his gangster informants to kill three potential witnesses against them.

Bulger became a fugitive after his January 1995 racketeering

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indictment, but Rakes said the gangster slipped back into town twice that year to scare him - once pulling up to him on a South Boston street and shouting from the passenger seat, "I'm watching you."

After his September 1995 grand jury appearance, Rakes, a track inspector for the MBTA, said he panicked when he saw Weeks standing on the platform at the Red Line's Broadway station and fled down the tracks, brushing the third rail. Rakes said he was hospitalized for several days following the accident.

The Rakeses were divorced in 1990. Rakes declared personal bankruptcy in 1993 and again last year and faces a number of angry creditors who say he scammed them on property deals. Rakes says all of his financial and personal troubles stem from the extortion.

What Rakes said he wants now, besides money, is his liquor store back. Now called Columbia Wine & Spirits, it was closed recently. Federal prosecutors have asked a judge to order the property forfeited to the government.

"I would like everything back the way it was," said Rakes. "But that's not real."

TABULAR OR GRAPHIC MATERIAL SET FORTH IN THIS DOCUMENT IS NOT DISPLAYABLE

Caption: Stephen Rakes reacting during an interview as he described how Stephen Flemmi and James "Whitey" Bulger threatened him. / GLOBE STAFF PHOTOS/PAT GREENHOUSE

---- INDEX REFERENCES ----

NAMED PERSON: RAKES, STEPHEN; FLEMMI, STEPHEN; WEEKS, KEVIN; CONNOLLY, JOHN

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

NEWS SUBJECT: English language content; Crime and Courts; Political and General News; Crime (ENGL GCRIM GCAT CRM)

NEWS CATEGORY: MET

EDITION: THIRD

LAYOUT CODES: (LCR)

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FBI/DOJ

January 11, 1984

PERSONAL

Mr. John M. Morris
Federal Bureau of Investigation
Boston, Massachusetts

Dear Mr. Morris:

You certainly merit commendation for your significant achievements in connection with the "BOSTAR" investigation. It is, therefore, a pleasure for me to recognize your efforts by bestowing on you an incentive award which is represented by the enclosed check.

Your exemplary management of your supervisory duties and your expert direction of a valuable source were of great assistance to this major, long-term investigation. You can indeed take pride in knowing that your participation in this matter contributed significantly to its success, and I want you to know that you have my sincere appreciation and gratitude for your outstanding services.

Sincerely yours,

William H. Webster

William H. Webster
Director

MAILED 8
JAN 11 1984
FBI

Enclosure

1 - SAC, Boston (Personal Attention) Enclosures (2) ($500 Award)
RE: BOSTAR

You should personally present this award and should this not be possible or should presentation be unnecessarily delayed by your absence official acting for you should present it. Inform employee net amount of check represents this award less withholding tax.

EXHIBIT
719

(4) 67-693564 Award $407-84

Based on FD-255 and Airtel from SAC, Boston, 10/7/83, CID addendum, 11/14/83, Airtel from SAC, Boston, 12/5/83 and ASD addendum, 12/19/83, re Edward L. Allen, et al., Recommendation for Incentive Awards and Letters of Commendation.

10 JAN 12 1984

FBI-HCGR-000001844

[redacted] C

JC/[redacted]

1. B

A

On 2/12/84, [redacted] advised that Bobby Daddieco reached out for Stevie Flemmi and told Flemmi that two Feds had visited him and wanted him to be a witness for the government in the upcoming case against the Angiulos and Larry Baione. Daddieco stated that the Feds laid out their case for his appearing as a witness but he (Daddieco) told them that 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. But in any case, he would not hurt Flemmi. Daddieco said he has a lot of guilt over what he did to Frankie Salemme even though Frankie had it coming. Daddieco told Flemmi that he was broke. He stated that he met the Feds in a hotel room and then they took him out to dinner. He said they wanted to meet him again but he screwed. Daddieco offered to tell Flemmi where he was located, but Flemmi told him he did not want to know.




224

4/23/93 Boston Herald 010
1993 WL 6274794

Boston Herald
Copyright 1993

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

PAROLE REVIEW COMMITTEE

July 11, 1984.

Gentlemen:

My name is Ronald Cassesso and I am writing this letter on behalf of Lewis Grieco. As you are probably aware, I was convicted in 1968 of the murder of Edward Deegan. Mr. Grieco, along with four other persons, was also convicted of that murder. You may also recall that the principal witness for the commonwealth was Joseph (Barboza) Baron, who testified to the involvement of all the defendants in the murder.

I am very much aware that the word of one prisoner speaking on behalf of another, especially a co-defendant, is not regarded as overly trustworthy. I am also aware that my telling you that Mr. Grieco was not involved in the murder will most likely be met with some degree of scepticism; more so because so many years have passed and the convictions have been upheld by the courts. However, realizing all this, and also realizing that it would in all probability be more advantageous to admit guilt and complicity, and even express some degree of contrition, I am still constrained to tell the truth. And the truth is that Lewis Grieco was in no way involved in the murder of Edward Deegan.

Mr. Baron testified as to the presence of Mr. Grieco, myself and the others at the murder and various meetings.

EXHIBIT
783

prior thereto. I am telling you unequivocally that Mr. Grieco was not even in the state of Massachusetts during any of the time periods testified to by Mr. Baron. He was, in fact, in Florida and had no part whatsoever in the murder of Mr. Deegan. I think it is now common knowledge that Mr. Baron was using the courts as an instrument of revenge against all those people he considered to be his enemies, with little regard for the truth. I, myself, would be willing to submit to a polygraph examination relative to Mr. Grieco's non-involvement.

Thank you for taking the time to read this letter.

Sincerely,

Ronald Cassesso

Ronald Cassesso

LAW OFFICES
JACK I. ZALKIND
AND ASSOCIATES
[redacted]
BOSTON, MASSACHUSETTS 02108
[redacted]

JACK I. ZALKIND
ELLEN Y. SUNI
MELVIN PORTER 617-[illegible]

OF COUNSEL
S. MYRON KLAEFELD
BEVERLY HILLS, CALIFORNIA

July 18, 1984

Chairman and Associate Members of the
Massachusetts Parole Board
100 Cambridge Street, Room 2207
Boston, MA 02202

Re: The Commutation of Lewis Grieco

My Dear Chairman and Associate Members:

It is my understanding that your Honorable Body has voted to allow the above-named, Lewis Grieco, a hearing on his petition for Commutation.

[illegible] that I have [illegible] regarding [illegible]

[illegible] Lewis Grieco, I understand that while in prison all of these years, he has been successfully involved in furlough programs and I have not heard of any serious acts of misconduct on his part.

As I have stated before in other letters, if any of the defendants had offered to plead guilty to Second Degree Murder prior to trial, their pleas would have been accepted by the Court. Accordingly, the defendants would have been eligible for parole many years ago.

During the course of the trial and the many years that have followed Mr. Grieco's incarceration, I have never had any display of animosity directed towards me by Mr. Grieco or his co-defendants. Indeed, whenever I have met Mr. Grieco in the courthouse or at the state correctional institutions, he has always treated me with the utmost respect and courtesy.



EXHIBIT
784

Based upon the facts surrounding Mr. Grieco's conviction and his long period of incarceration which, I understand, has been exemplary, I have no hesitation in recommending to your Honorable Board that Mr. Grieco's Petition for Commutation be granted so that he can become eligible for parole.

Respectfully yours,

Jack I. Zalkind

JIZ/ls

**DISTRICT ATTORNEY**

ARLO SMITH
DISTRICT ATTORNEY

ROBERT M. PODESTA
CHIEF ASSISTANT
DISTRICT ATTORNEY

**SAN FRANCISCO**

880 BRYANT STREET, SAN FRANCISCO 94103 TEL. (415) 553-1752

October 7, 1985

TO: WHOM IT MAY CONCERN

Re: Gennaro J. Angiulo, Et al.

By this letter, please be advised that in return for Theodore James Sharliss, alias James Chalmas, complete and truthful testimony in the Case of United States of America vs. Gennaro J. Angiulo, Et al, that Theodore James Sharliss, alias James Chalmas, will not be prosecuted by the People of the State of California for his participation in the death of Joseph Barboza that occurred in San Francisco, California on February 11, 1976 which participation may be disclosed by virtue of such testimony.

Very truly yours,

ARLO SMITH
District Attorney

By: Eugene Sweeters
EUGENE SWEETERS
Assistant District Attorney

EXHIBIT
789

GSF-00478

OCT 13 1985

*KILLINGS RECALLED*

# Underworld's bloody link to SR

The existence of organized crime figures in Santa Rosa is not an entirely new phenomenon.

Two of the most publicized underworld mobsters to set foot in Santa Rosa met violent deaths as have so many others in the history of the Mafia in the U.S.

In 1947, when Santa Rosa was a town of about 15,000, townspeople were shocked when the body of one of their respected citizens, Nick DeJohn, was found stuffed in the trunk of a car in San Francisco.

Police later announced DeJohn, who lived in the Grace Tract in Santa Rosa, was linked to organized crime and that his murder was committed by mobsters.

The DeJohn murder remains unsolved.

An explanation is offered in Ovid Demaris' 1981 book, "The Last Mafioso," a biography of Jimmy "The Weasel" Fratianno, a Los Angeles Mafia enforcer turned informer. Fratianno is quoted as saying that in the mid-1950's a Chicago mobster, Dominic Gallano, told him he killed DeJohn on orders from Chicago mob boss John Franzone, who was trying to take over San Francisco at the time.

In 1970 the eyebrows of Santa Rosans were raised when Joseph "The Baron" Barboza, a notorious hit man for the New England Mafia, was charged with the murder earlier that year of Santa Rosan Clay Wilson, whose body was buried in a shallow grave in Glen Ellen.

As details of Wilson's death unfolded, it was learned that Barboza was reputed to have killed 26 men for New England mob boss Raymond Patriarca. He had become a government-protected witness, given a new identity and located in Santa Rosa after informing on Patriarca and several other mobsters.

Barboza was convicted of second-degree murder in Wilson's death, sentenced to federal prison in 1971 and paroled in November of 1975 to San Francisco, still under the Federal Witness Protection Program.

Four months later he was gunned down in a San Francisco street. Theodore J. Sharliss was convicted in 1979 for setting up Barboza's murder.

The lawyer for Boston mob boss Gennaro Angiulo told The Press Democrat recently that federal authorities are trying to link the Barboza slaying to Angiulo, who reputedly became the boss of New England's mob after Patriarca's death two years ago.

*By Bony Saludes*

EXHIBIT 790

2834

1-417 (Rev. 10-13-82)

# Memorandum

Exec AD Adm. ___
Exec AD Inv. ___
Exec AD LES ___
Assoc. Dir.
Adm. Servs. ___
Crim. Inv. ___
Ident. ___
Insp. ___
Intell. ___
Lab. ___
Legal Coun. ___
Off. Cong. & Public Affs. ___
Rec. Mgmt. ___
Tech. Servs. ___
Training ___
Telephone Rm. ___
Director's Sec'y ___

To : MR. YORK Y/MAB

Date 11/13/85

From : R. Gilbarte RG/MAB

Subject : THEODORE JAMES SHARLISS, aka;
ET AL;
JOSEPH BARBOZA BARON - VICTIM;
RICO

LATENT PRINT TESTIMONY

Name of Specialist(s) Russell G. Davey

Location Boston, Massachusetts Date 11/12/85

Testified: [X] Yes [ ] No (If no explain in Remarks:)

Type of Court: [X] Federal [ ] State
[ ] Other (specify ___ )

Judge David Nelson

Prosecuting Attorney Earnest DiNisco

Defense Attorney Anthony Cardinale

Trial by: [X] Jury [ ] Judge [ ] Other (type ___ )

Specimen(s) retained by court Charted Enlargements

To be returned by ___

Results of Trial Still in progress - Anticipated conclusion - Jan. 1986

Will be advised by SA Jack Cloherty, Boston Division

Arrived in Washington Date 11/12/85 Time 6:15 p.m.

Remarks: Davey testified that two latent fingerprints developed on Q6, a Hilton Hotel Registration card, are the finger impressions of Joseph Anthony Russo, FBI #677979A.

64 DEC 1

183-1613

183-1613
LC #B-60198
RGD:hne
(3)

EXHIBIT
791

NOT RECORDED
17 NOV 21 1985

PERS. [illegible]

VICTOR J. GARO
ATTORNEY-AT-LAW
[redacted]
MEDFORD, MASS. 02155
TELEPHONE [redacted]

November 12, 1985

RECEIVED
NOV 13 1985
EXECUTIVE SECRETARY

Ms. Louise Maloof
Executive Secretary
Governor's Council
Room 184
State House
Boston, Massachusetts 02133

Dear Ms. Maloof:

This letter is to advise that I represent Joseph L. Salvati, currently an inmate athe Park Drive Pre-Release Center.

Please find enclosed herein a Petition For Commutation of Sentence.

I have also sent by mail a letter to the Secretary of State's Office, pursuant to Chapter 127, Sections 166 & 167 of Mass. General Laws.

Respectfully yours,

VICTOR J. GARO, ESQUIRE

VJG:lhm
Enclosure: One

EXHIBIT
792

PETITIONER: Joseph L. Salvati

OFFENSE: Murder, 1st. degree

SENTENCE: LIFE

EFFECTIVE DATE: 1-24-67

DATE PETITION RECEIVED: 11-15-85

✓ GRANT
___ DENY
___ DENY WITHOUT PREJUDICE

[redacted] DATE: 12/26/85

COMMENTS: Years served, justification. Record: 3 co-defs granted hearing. Farmers issue [illegible] hearing along with [illegible] question of this case.

✓ GRANT
___ DENY
___ DENY WITHOUT PREJUDICE

[redacted] DATE: 1/6/86

COMMENTS: Excellent init record. Has served 17 yrs. Co-defs. although not committed have received a hearing.

[redacted]

___ GRANT
___ DENY
___ DENY WITHOUT PREJUDICE

[redacted] DATE: ___

COMMENTS:

___ GRANT
___ DENY
___ DENY WITHOUT PREJUDICE

[redacted] DATE: ___

COMMENTS:

✓ GRANT
___ DENY
___ DENY WITHOUT PREJUDICE

[redacted] DATE: 1/6/86

COMMENTS: Subject to merit hearing

[redacted]

___ GRANT
___ DENY
___ DENY WITHOUT PREJUDICE

[redacted] DATE: ___

COMMENTS:

EXHIBIT 794

✓ GRANT
___ DENY
___ DENY WITHOUT PREJUDICE

[redacted] DATE: 12/26/85

COMMENTS: [illegible] for a hearing primarily because one or more co-defendants were granted hearing.

The Commonwealth of Massachusetts
Executive Office of Human Services
Parole Board
Lawrence Saltonstall Building, Government Center
100 Cambridge Street, Boston 02202

JOHN J. CURRAN, JR.
Chairman
RUTH ANN JONES
Executive Director

February 4, 1986

Mr. James Greenleaf
Special Agent in Charge
Federal Bureau of Investigation
J.F. Kennedy Building
Government Center
Boston, Massachusetts

Re: Joseph Salvati

Dear Mr. Greenleaf:

The Massachusetts Parole Board, in its capacity as the Advisory Board of Pardons, is presently considering a petition filed by Mr. Joseph Salvati for commutation of a life sentence that he is serving for the crime of murder.

The Board would appreciate any information that your office might have that would assist us in or be relevant to our consideration of this petition for ultimate recommendation to the Governor.

Sincerely,

John J. Curran, Jr.
Chairman

Massachusetts Parole Board

JJC:es
CC: Board Members
Ms. Joyce Hooley
Ms. Diane Wilkerson

INDICES SEARCHED
☒ FOIMS ☒ GENERAL
☒ NEGATIVE ☐ NEGAT...
☐ SA ☒ SA
KA INITIALS: KA

ACCREDITED BY THE COMMISSION ON ACCREDITATION FOR CORRECTIONS

EXHIBIT
795

FEB 27 1986

# Jury finds mafia boss guilty

## Santa Rosan among witnesses at seven-month Boston trial

**Wire and staff reports**

BOSTON — Reputed New England mob underboss Gennaro J. Angiulo, two of his brothers and an associate were found guilty Wednesday of running a racketeering operation the government said included murder schemes, gambling and extortion.

The federal jury of eight women and four men deliberated 30 hours over seven days before reaching a verdict in the seven-month trial, which officials said was the longest federal criminal trial in Massachusetts history.

After the findings were announced, the 66-year-old Angiulo was heard to tell a friend, "Hang with me and I'll get you 100 years."

The most spectacular testimony in the trial concerned six murders that the government sought to link to the defendants.

During that phase of the trial, Santa Rosan Robert Martin, a former San Francisco police officer, took the stand to deny he had ever been offered a contract to kill a man for the New England mob.

The target of that purported contract, Joseph "Baron" Barboza, also lived in Santa Rosa for a short time under a new identity provided by the federal witness protection program. Officials said Barboza had killed 26 people before he became a government informer.

While living in Santa Rosa as "Joseph Bentley," he killed Clayton Ricky Wilson of Santa Rosa in a dispute over stolen securities, then buried the body in a shallow grave near Glen Ellen.

Barboza was killed in San Francisco in 1976, just a few months after he was released from prison after serving time for that 1970 slaying.

Each of the defendants in the Boston trial was charged with two counts under the Racketeer Influenced and Corrupt Organizations Act: participating a criminal enterprise and engaging in at least two illegal activities within 10 years.

The government had claimed that conversations the FBI taped at Angiulo's headquarters and at a poker game she proved the men were involved in illegal activities and had used threats to protect the operation.

Gennaro, Francesco, and Donato Angiulo and associate Samuel Granito were all found guilty under the racketeering act. Another Angiulo brother, Michele, 58, was found innocent of RICO offenses and guilty only on one gambling count.

"It's not victory; a battle is won but the war isn't over," said chief prpsecutor Jeremiah O'Sullivan.



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

John F. Kennedy Federal Building
Government Center
Boston, Massachusetts 02203

March 24, 1986

Mr. John J. Curran, Jr.
Chairman
Massachusetts Parole Board
Leverett Saltonstall Building
Government Center
100 Cambridge Street
Boston, Massachusetts 02202

Re: Benjamin DeChristoforo;
Joseph Salvati

Dear Sir:

Concerning your letters of request regarding Joseph Salvati and Benjamin DeChristoforo of February 4, 1986, I am able to provide the following information:

As explained to you by Supervisor James A. Ring in a phone call of March 24, 1986, our files do reflect that on August 18, 1981, Detective Sergeant David Johnson of the Ogunquit, Maine Police Department, advised the FBI that he had received information from a reliable informant that Benjamin DeChristoforo was frequenting a residence on Ontio Road, Ogunquit, Maine, and that on August 18, 1981, a vehicle bearing Massachusetts registration 715 GFH, registered to DeChristoforo, was observed parked in front of the aforementioned residence.

On July 2, 1982, Detective Al Boussier, Portsmouth, New Hampshire Police Department, reported that a suspected narcotics dealer in New Hampshire named Paul Morano had an association with Benjamin DeChristoforo, no further details provided.



UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| The Estate of John L. McIntyre | ) | |
| | ) | |
| Plaintiff | ) | |
| | ) | Civil Action No.: 01-10408-RCL |
| v. | ) | |
| | ) | |
| United States of America, et al. | ) | |
| | ) | |
| Defendants | ) | |

**PLAINTIFF'S OPPOSITION TO DEFENDANT UNITED STATES' MOTION TO DISMISS**

NOW COMES the plaintiff, The Estate of John L. McIntyre, opposing Defendant United States' Motion to Dismiss and in support thereof states as follows:

1. Pursuant to Fed.R.Civ.P. 12(b)(1) defendant United States has moved for dismissal of all claims against it for lack of subject matter jurisdiction.

2. For the reasons stated in the attached Memorandum of Law in Support of Plaintiff's Opposition to Defendant United States' Motion to Dismiss with Exhibits, plaintiff hereby opposes the United States' Motion to Dismiss.

3. Plaintiff asserts the Motion to Dismiss should be denied based upon the record submitted by the parties before the Court. However, if the Court should determine that it cannot resolve the government's motion based upon the current record, or is inclined to allow the motion on "wrongful concealment" grounds and the current state of the record on that issue of fact, plaintiff requests that the Court order limited discovery on that issue prior to ruling on the Motion to Dismiss. See Dynamic Image Technologies, Inc. v. United States, 221 F.3d 34, 38-39 (1st Cir. 2000).



**REQUEST FOR ORAL ARGUMENT**

4. Pursuant to LR 7.1(D), plaintiff respectfully requests oral argument in this matter.

WHEREFORE, plaintiff respectfully requests that this Honorable Court:

A. Deny defendant United States' Motion to Dismiss;

B. Schedule oral argument on the United States' Motion to Dismiss;

C. Order limited discovery on jurisdictional issues, if necessary, for the reasons stated, supra, at ¶ 3; and

D. Grant such further relief as this Court deems necessary and just.

Respectfully submitted,

The Estate of John L. McIntyre
By Their Attorneys
SHAHEEN & GORDON, P.A.

Dated: November 15, 2001

By: _____
William E. Christie #566896
Two Capital Plaza, 4th Floor
P.O. Box 2703
Concord, NH 03302-2703
(603) 225-7262

**CERTIFICATE OF SERVICE**

I herby certify that a true copy of the above document was served upon each party appearing pro se and the attorney of record for each other party by mail on November 15, 2001.

_____
William E. Christie

F:\DATA\CLIENTS\MCINTYRE\OPPOSITION MOTION TO DISMISS.DOC

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
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| The Estate of John L. McIntyre | ) | |
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| | ) | |
| Defendants | ) | |

**PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF OPPOSITION TO DEFENDANT UNITED STATES' MOTION TO DISMISS**

I. INTRODUCTION

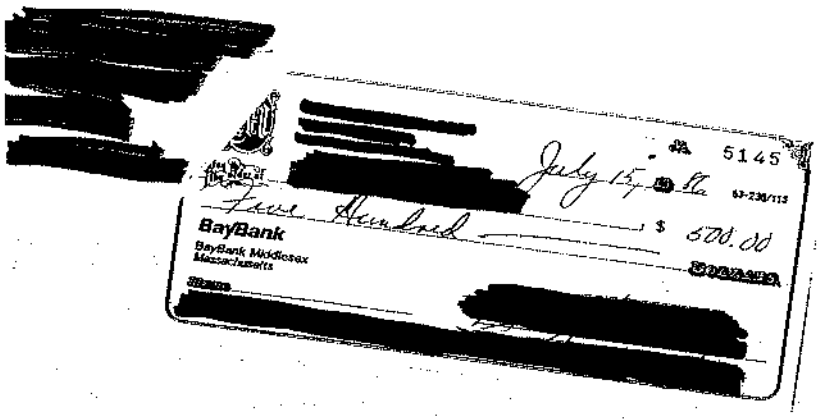
On January 14, 2000, the remains of John L. McIntyre ("McIntyre") were discovered in a shallow makeshift grave in Dorchester, Massachusetts. McIntyre had been missing for over fifteen years during which time the United States government indicted him and told the courts, the public and his family that he was alive and a fugitive from justice, all the while engaging in a course of conduct to cover up the criminal activities of certain government agents as well as the wholesale violation of the Attorney General's Guidelines regulating and controlling the use of high echelon criminal informants. 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

F.Supp.2d 408, 415-419 (D.Mass. 1999) (claim based on death from early 1960s did not accrue until release of critical information in 1995 Presidential report).

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 elluded the investigatory power and resources of the federal government, until the government was forced fed them by Judge Wolf. Equally disturbing and further condemning the government's motion are the undisputed facts that the government affirmatively represented to the McIntyres specifically, and the public at large, that McIntyre was at best a fugitive from justice, and, at worst, a victim of someone other than Bulger or Flemmi. Incredulously:

- After representations by government officials to the McIntyre family that John McIntyre was alive and a fugitive from justice, see Complaint at ¶ 299;
- After returning a federal Indictment in April 1986 against John McIntyre seventeen months after his disappearance, see Indictment, United States v. Murray et al., No. 86-CR-118, attached as Exhibit B.
- After defendant special agent in charge James Ahearn publicly denied in 1988 that any special relationship existed between the FBI and Bulger and Flemmi, see Law Enforcement Officials' Lament About and Elusive Foe: *Where Was Whitey?*, The Boston Globe, September 20, 1988 attached as Exhibit C.
- After Assistant United States Attorney Gary Crossen publicly speculated in 1992 that Joseph Murray (rather than Bulger and Flemmi as now known) was responsible for McIntyre's disappearance, see Kevin Cullen, *Valhalla Case Now a Little Murkier Quincy Man Seen as Fall Guy in Leak*, The Boston Globe, December 24, 1992, attached as Exhibit D;
- After Jerry Padalino, special agent in charge of United States Customs, publicly stated in 1995 that officially, U.S. customs officials considered McIntyre a fugitive,




Sent me this check when
He found out the Boston FBI was
interested in contacting me for
an on going investigation.

I refused to
cooperate.

EXHIBIT
799

GRANTING COMMUTATION HEARING

PETITIONER: JOSEPH SALVATI

OFFENSE: MURDER - FIRST DEGREE

SENTENCE: 12-4-86

EFFECTIVE DATE: 1-24-67

DATE PETITION RECEIVED: 11-15-85

[redacted]

| | | | |
|---|---|---|---|
| ___ GRANT<br>✓ DENY<br>___ DENY WITHOUT PREJUDICE | (Same petition) | [redacted] DATE: 12-1-86 | COMMENTS: Recent acts of 12-26-85 due to receipt of [illegible] information regarding [illegible] behavior [illegible] questions are satisfactorily answered, I see [illegible] for a hearing at this time. |
| ___ GRANT<br>✓ DENY<br>___ DENY WITHOUT PREJUDICE | [redacted] | [redacted] DATE: 12/1/86 | COMMENTS: I am extremely troubled by meeting with Frank Orato. Appears that he is maintaining association with past convicts. |
| ___ GRANT<br>✓ DENY<br>___ DENY WITHOUT PREJUDICE | [redacted] | [redacted] DATE: 12/1/86 | COMMENTS: I am not inclined to grant a hearing at this time in light of the information meeting with Frank Orato [illegible] of a major [illegible] [illegible] |
| ___ GRANT<br>✓ DENY<br>___ DENY WITHOUT PREJUDICE | [redacted] | [redacted] DATE: 12-1-86 | COMMENTS: Due to recent events re: F. Orato, my vote is to deny a hearing at this time. |
| ___ GRANT<br>✓ DENY<br>___ DENY WITHOUT PREJUDICE | [redacted] | [redacted] DATE: 12/1/86 | COMMENTS: Recall of [illegible] returns to higher [illegible] because of meeting [illegible] [illegible] [illegible] [illegible] |
| ___ GRANT<br>✓ DENY<br>___ DENY WITHOUT PREJUDICE | [redacted] | [redacted] DATE: 12/1/86 | COMMENTS: In light of recent events subject is not a good candidate for clemency consideration. |
| ___ GRANT<br>✓ DENY<br>___ DENY WITHOUT PREJUDICE | [redacted] | [redacted] DATE: 12/1/86 | COMMENTS: Since recent information has surfaced on only his application is no longer warranted [illegible] |

EXHIBIT 800

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 99-10428 - JLT |
| | : | |
| v. | : | Racketeering<br>(18 U.S.C. §1962(c)) |
| JOHN J. CONNOLLY, JR. and<br>STEPHEN FLEMMI | : | Racketeering Conspiracy<br>(18 U.S.C. §1962(d)) |
| | : | |
| | : | Conspiracy to Obstruct Justice<br>(18 U.S.C. §371) |
| | : | |
| | : | Obstruction of Justice<br>(18 U.S.C. §§1503, 1512) |
| | : | |
| | : | False Statement<br>(18 U.S.C. §1001) |

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE - Racketeering
(John J. Connolly, Jr.)

GENERAL ALLEGATIONS

1. From November 1968 to December 1990, the defendant JOHN J. CONNOLLY JR. ("CONNOLLY") was a Special Agent of the Federal Bureau of Investigation ("FBI"). From February 1973 until his retirement in December 1990, CONNOLLY was assigned to the Boston Field Office of the FBI.

2. At all times material to this Indictment, the "Winter Hill Gang" was a clandestine

EXHIBIT
801

Racketeering Act #3

25. In or about June 1982, the exact date being unknown, in the District of Massachusetts, CONNOLLY, Bulger and Flemmi did corruptly give a thing of value, that being $1,000 in United States currency, to a public official, that being FBI Supervisory Special Agent John Morris, to induce that public official to do and omit to do acts in violation of his official duty, specifically to divulge confidential and sensitive law enforcement information in order to protect Bulger's and Flemmi's ongoing criminal activities in violation of his official duty, in violation of Title 18, United States Code, Sections 201(b) and 2.

Racketeering Act #4

26. Sometime in late 1982 or 1983, the exact date being unknown, in the District of Massachusetts, CONNOLLY, Bulger, and Flemmi did corruptly give a thing of value, that being a case of fine wine containing $1,000 in United States currency, to a public official, that being FBI Supervisory Special Agent John Morris, to induce that public official to do and omit to do acts in violation of his official duty, specifically to divulge confidential and sensitive law enforcement information in order to protect Bulger's and Flemmi's ongoing criminal activities in violation of his official duty, in violation of Title 18, United States Code, Sections 201(b) and 2.

Racketeering Act #5

27. Sometime in or about 1986 - 1987, the exact date being unknown, in the District of Massachusetts, CONNOLLY, Bulger and Flemmi did corruptly give a thing of value, that being $5,000 in United States currency, to a public official, that being FBI Supervisory Special Agent John Morris, to induce that public official to do and omit to do acts in violation of his official duty, specifically to divulge confidential and sensitive law enforcement information in order to

protect Bulger's and Flemmi's ongoing criminal activities in violation of his official duty, in violation of Title 18, United States Code, Sections 201(b) and 2.

B. INTERFERENCE WITH INTERSTATE COMMERCE BY EXTORTION

**Racketeering Act 6**

28. CONNOLLY committed the following acts, any one of which alone constitutes Racketeering Act 6:

**Racketeering Act #6A**

29. In or about December 1983, the exact date being unknown, Stephen Rakes and his wife, Julie Rakes, opened a liquor store at 295 Old Colony Avenue, South Boston, Massachusetts.

30. In or about January 1984, the exact date being unknown, Bulger, Flemmi and Kevin Weeks threatened Stephen Rakes with physical harm if he refused to convey the liquor store to them.

31. Shortly thereafter, Joseph Lundbohm, then a Boston police officer, approached CONNOLLY on behalf of the Rakes, to report the extortionate demands of Bulger and Flemmi.

32. In response to Joseph Lundbohm's report, CONNOLLY falsely told Lundbohm that unless Rakes agreed to wear a recording device in conversations with Bulger and Flemmi, the FBI was unlikely to take action on the complaint.

33. Stephen Rakes acceded to the extortionate demands of Bulger and Flemmi, and Stephen Rakes and Julie Rakes conveyed their interest in the liquor store to Kevin Weeks, who was acting on behalf of Bulger and Flemmi.

The Boston Globe
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Wednesday, July 22, 1998

METRO/REGION

# Cases disappear as FBI looks away

Shelly Murphy, Globe Staff

WED

This Spotlight Team 5-part series was prepared by editor Gerard O'Neill and reporters Dick Lehr, Michell Zuckoff, and Shelley Murphy. Today's installment was written by Murphy. PART 4 WHITEY & THE FBI: PRICE OF PROTECTION

At the dawn of his deal with the FBI, James "Whitey" Bulger was an angry leg breaker at a Dedham restaurant looking to collect an unpaid loan. Leaning across a table, he gave the owner a choice: Pay, or have his ears cut off and stuffed in his mouth.

Restaurateur Francis X. Green told his story to the FBI, expecting protection and prosecution. But Bulger had an ace in the hole. He worked for the FBI.

Looking back, the 1976 incident at the Back Side Restaurant was a turning point. An extortion case, built on a credible, cooperative witness, might have stopped Bulger and his partner, Stephen "The Rifleman" Flemmi, from launching a 15-year crime spree.

Instead, the FBI did nothing, sending a powerful message to two of the region's most ruthless organized crime figures: As long as you're with us, we won't bother you.

As a result, Bulger and Flemmi became sanctioned career criminals while spying on the underworld for the FBI. Despite solid evidence indicating Bulger and Flemmi were involved in murders, shakedowns, and drug dealing, the FBI looked the other way throughout the 1970s and 1980s.

It made no difference who the victims were, fellow wise guys or innocent people. And it didn't matter if the victims were willing to cooperate with the FBI or were scared silent. In some cases, the bureau even helped the gangsters by leaking information to them about ongoing investigations.

Recent court testimony shows the deflected cases ranged from the momentous to the mundane, but the consistent thread running through

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most of them is the involvement of Bulger's handler, former FBI agent John Connolly of South Boston.

Some potential cases that went nowhere:

- In 1982, a wise guy turned FBI informant was gunned down after Connolly, according to testimony, told Bulger and Flemmi that the man had implicated them in a string of gangland slayings and the murder of an Oklahoma businessman.

- In 1984, a Boston police detective told Connolly that Bulger and Flemmi were trying to seize a liquor store owned by the detective's relatives with a "can't refuse" offer. But Connolly did not report the incident to superiors and, within days, Bulger sent word to the victims that he knew they had complained to the FBI and warned them to "back off."

- In the late 1980s, FBI agents John Newton and Roderick Kennedy failed to document or follow up on a realtor's claim that a gun-toting Bulger threatened to stuff him in a body bag if the realtor didn't pay him $50,000.

- In 1988, another FBI agent, supervisor John Morris, who had pocketed $7,000 in payoffs from Bulger, warned Bulger and Flemmi that the FBI had tapped the telephone of a Roxbury bookmaker who worked for them. While indictments resulted from the wiretap, including some Boston policemen for taking payoffs, Bulger and Flemmi went untouched.

Although there is evidence that Connolly protected Bulger and Flemmi, he was not alone. Supervisors and fellow agents often were swayed by his claim there was insufficient evidence to target the pair or that they were too valuable to the FBI.

For example, FBI agent James Blackburn testified he never pursued allegations that Bulger was shaking down a South Boston drug dealer in 1988 after Connolly told him it wasn't true. And agent James J. Lavin III testified that in 1987 he ignored evidence that city workers erected guardrails on private property outside the South Boston liquor store controlled by Bulger after Connolly reminded him that Bulger was an indispensable informant.

In the end, Bulger and Flemmi were always suspects, but never defendants; always informants, never targets.

Last April, Connolly refused to testify at federal court hearings exploring the FBI's controversial relationship with Bulger and

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Flemmi, citing his Fifth Amendment right not to incriminate himself. In interviews, he has accused other agents of lying when they testified critically about his handling of Bulger and Flemmi.

"I'm not a rogue agent," Connolly said recently. "Anything I ever did, I did lawfully. I have no trouble with what I did. I did it for the FBI, all the way to D.C., constant oversight."

But the record now shows that the deal -- protection for information -- left the bureau shortchanged, co-opted, and compromised.

In a telling aside during recent testimony, one of Connolly's closest associates in the bureau, former agent Nicholas Gianturco, talked about entertaining Bulger and Flemmi at his Peabody home. "I felt comfortable having them to the house," he said. "It was not an adversarial relationship." ALL TOGETHER IN ONE ROOM

It was an improbable convergence of characters that put two of the region's top prosecutors under the same roof in Dedham with three gangsters while the hoodlums were extorting the owner of the establishment across the room.

In late 1976, then-Norfolk County District Attorney William Delahunt had just ordered dinner at the Back Side Restaurant and was awaiting the arrival of Martin Boudreau, a law school classmate and federal prosecutor, when he looked up to see another old acquaintance approaching his table.

It was Johnny Martorano, a well-known gangster who had attended grammar school with Delahunt in Quincy. Martorano and two other men had just entered the restaurant. While his companions moved to a cocktail table near the bar, Martorano chatted with Delahunt about the different paths they had taken since their school days, joking that there was more honor in his world than among bankers and lawyers. Flemmi joined the conversation briefly.

After Delahunt went back to his meal and was joined by Boudreau, the number-two prosecutor in the Federal Organized Crime Strike Force, the restaurant owner was summoned to sit with Bulger, Flemmi, and Martorano to talk about a serious arrearage of $175,000. According to later investigative reports, it was Bulger who delivered the pay-or-die ultimatum.

A few weeks later, Delahunt learned what really had brought his old schoolmate to Dedham. Delahunt said Edward Harrington, former chief of the New England Organized Crime Strike Force, called to tell him that Bulger and his friends had threatened Green, the restaurant

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owner, over an unpaid loan. And he said Green feared Martorano had connections to Delahunt after seeing them banter that night.

After reassuring Harrington he had no ties to Martorano, Delahunt said prosecutors assigned to his office interviewed Green and later turned the case file over to the FBI. Green, who declined to be interviewed by the Globe, is quoted in investigative reports as saying Bulger and Flemmi threatened to kill him if he didn't repay a loan from a Boston credit union.

"It's our money," Bulger told Green, threatening to "positively kill him" and mutilate his face, according to an FBI report. Ears off, eyes out.

FBI agents ThomasDaly and Peter Kennedy interviewed Green on Oct. 13, 1977, and noted in their report that Flemmi told Green that nobody would get hurt if he made arrangements with the woman at the credit union who handled the loan. They wanted a $25,000 installment immediately.

In a recent interview with the Globe, Rita Tobias of Belmont confirmed that she loaned Green money through the finance company -- but said the amount was closer to $20,000. She insisted she doesn't know Bulger or Flemmi and hadn't gone to them for help.

The following year, Green became a star government witness, but not against Bulger or his friends. Federal prosecutors used Green's testimony in an unrelated public corruption case to win a tax-evasion and bribery conviction against a Boston official. Bulger and Flemmi went unpunished and unchallenged.

Months after turning the Green case over to the FBI, Delahunt, now a Massachusetts congressman, said he asked Jeremiah T. O'Sullivan, chief of the New England Organized Crime Strike Force, what became of the investigation and was told: "It just didn't work out." O'Sullivan's lawyer, Hugh Scott, declined comment on the incident, saying it would be inappropriate because of the ongoing federal hearings.

Harrington, now a federal judge, was working as a lawyer for a private law firm in Boston when Green reported his threatening encounter with Bulger and Flemmi in 1976. The following year, Harrington became US Attorney for Massachusetts, a job he held when his public corruption squad used Green to make a case against the Boston official.

Today, when asked about his role in the Green case and why it never led to charges against Bulger or Flemmi, Harrington said, "In

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view of the fact that I am a federal judge and wish not to be involved in a proceeding before another federal judge, I decline to comment on the matter." BULGER IMPLICATED, MOBSTER KILLED

Brian Halloran was a dead man. And the FBI knew it.

Just a few days before Halloran was gunned down along the Boston waterfront, an FBI official whispered to then-US Attorney William F. Weld, "I would not want to be standing next to this guy."

In fact, the FBI's decision to deny Halloran entry into its witness protection program may have cost Halloran his life.

Halloran was awaiting trial for the murder of a drug dealer in January 1982 when he walked into the FBI's Boston office and announced he wanted to cooperate against Bulger and Flemmi because he feared they were trying to kill him.

He offered to "go all the way" against the two, but wanted immunity from prosecution and protection for himself and his family, according to the FBI report. A member of the Winter Hill gang who had frequent dealings with Bulger and Flemmi, Halloran told a tale of murder and mayhem.

For openers, he described how he dropped off South Boston bookmaker Louis Litif at Triple O's tavern on April 12, 1980, for an after-hours meeting with Bulger. Moments later, Halloran said, he watched as Bulger and an associate lugged Litif's plastic-wrapped body out the back door of the South Boston bar and dumped it into the trunk of Litif's new Lincoln. The car and the body were later found in the South End.

Then Halloran moved on to another bloody murder scene, this one in Oklahoma. He claimed he could help solve the shooting death of millionaire Roger Wheeler, the Telex Corp. chairman who was shot to death on May 27, 1981, outside an exclusive Tulsa country club.

Wheeler had bought World Jai Alai (WJA) three years earlier and suspected Somerville's Winter Hill gang of skimming profits from the company's operation in Connecticut.

Halloran claimed that his friend, John Callahan, former president of WJA, summoned him to a meeting with Bulger and Flemmi in January 1981 at Callahan's Boston waterfront apartment.

Halloran said Callahan asked him to murder Wheeler, who suspected

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that employees who remained loyal to Callahan were doing the skimming. Later, Halloran said, Callahan told him he wasn't needed and the murder was carried out by Bulger, Flemmi, and John Martorano.

Despite the significance of Halloran's account, authorities in Oklahoma say the FBI in Boston never shared it with them.

Instead, FBI agent Morris said he passed along word to Connolly that Halloran was cooperating with another squad in the FBI against his two prized informants.

Morris testified that Connolly then told Bulger and Flemmi that Halloran had implicated them in Wheeler's murder, prompting Connolly to file an informant report from Bulger arguing that "there was no way that they would have been involved with Halloran in connection with anything, let alone murder."

Ultimately, the FBI, along with Strike Force Chief O'Sullivan, concluded that Halloran was unreliable and turned him away from an FBI safe house on Cape Cod.

Weeks later, on May 11, 1982, Halloran was gunned down as he left a bar on Northern Avenue in South Boston. Callahan, being sought for questioning as a potential witness in the Halloran and Wheeler slayings, was found murdered three months later in Miami.

In a recent interview, Connolly said he "absolutely never" told Bulger and Flemmi that Halloran had turned FBI informant against them before he was killed. Connolly said he filed reports before Halloran's death noting that Bulger claimed the Mafia was going to kill Halloran.

The fallout from the investigation spread within the FBI, as agents in Oklahoma City and Miami accused the Boston office of stonewalling about Wheeler and Halloran.

The distrust spilled over into the Boston office, as the agent assigned to the Wheeler case accused Connolly of "rifling" his file and leaking information to Bulger and Flemmi that would help them establish alibis. Connolly vehemently denies the charge.

At first, Connolly refused to call in Bulger and Flemmi to have them photographed so investigators in Oklahoma could show their pictures to potential witnesses. According to recent testimony by James Ring, who was then supervisor of the organized-crime squad, Connolly became "defensive" about the photo request, arguing that Bulger and Flemmi had proclaimed their innocence. Connolly relented

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only after Ring threatened to drop Bulger and Flemmi as informants.

Still, the FBI didn't force Bulger and Flemmi to take polygraph examinations after they refused. In contrast, Halloran was dropped as an informant when he refused to take the lie detector test.

"For a long time we thought, it's just pure incompetence," said Wheeler's son, David, who now believes the FBI has obstructed the investigation into his father's murder. "But I never dreamed it was as extensive as it is." WHITEY AND STEVIE GO SHOPPING

It was Christmas time 1983 and Whitey Bulger and Stevie Flemmi were out shopping. They were cruising around South Boston when they saw something they wanted: a newly renovated liquor store on the site of what had until recently been an abandoned gas station.

It meant nothing to Bulger and Flemmi that Stephen and Julie Rakes didn't want to sell Stippo's Liquor Mart on Old Colony Avenue.

During a menacing visit to the Rakes's South Boston home during the first week of the new year, Bulger and Flemmi handed Stephen Rakes a bag stuffed with $67,000 cash and announced they were buying the liquor store, according to testimony.

"We don't want to sell it," said Rakes, who was home with his two young daughters while his wife was working at the store.

Flemmi allegedly sat down at the kitchen table, pulled one of Rakes's blond-haired daughters onto his lap, and set a gun on the table in front of her. The curious toddler picked up the gun and playfully sucked on the handle, according to federal grand jury testimony revealed in court.

"It would be a shame not to see your children grow up," Bulger allegedly said.

A horrified Rakes called his wife at the store and told her to pack up all their belongings and come home.

Within days, then-Boston Police Detective Joseph Lundbohm said he went to Connolly on behalf of his niece, Julie Rakes, unaware that Bulger and Flemmi were informants and Connolly was their handler.

Connolly said he took no action to stop the hostile takeover by Bulger and Flemmi because the couple "did not want to get wired up

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and they did not want to be witnesses. How do you make a case like that?"

It was a chilling lesson for the Rakeses, who discovered a few days later that Bulger knew they had complained to the FBI.

"Whitey said to back off," Stephen Rakes told Lundbohm, who said he suspected Connolly tipped Bulger about their meeting. In a Globe interview, Connolly denied leaking the information.

Connolly said he couldn't recall whether he reported the incident to his supervisor, but federal prosecutors said a search of FBI files failed to uncover any paperwork on it. It appears Connolly made a unilateral decision to neither investigate the extortion nor pass it along to a supervisor.

The store was sold to Bulger's friend, Kevin Weeks -- at least on paper -- without a hitch and was renamed the South Boston Liquor Mart. It immediately became a new hangout for Bulger and Flemmi.

Soon, the FBI was patronizing Bulger's store. A 1990 raid of the Liquor Mart by the Drug Enforcement Administration, the Suffolk County Organized Crime Squad, and the IRS uncovered a receipt indicating the FBI bought liquor at discount prices to give away at its annual Christmas party months earlier.

The receipt indicated that the liquor was purchased by agent Dick Baker, the party organizer. And a separate piece of notebook paper indicated who the agent was: "Dick Baker (friend of John Connolly)." Connolly does not deny the FBI bought liquor at the store but says the piece of paper with his name on it was planted. NO FBI FOLLOWUP TO EXTORTION

Years after Louis Litif was allegedly murdered in Triple O's, Bulger and his friends summoned an unsuspecting businessman to a meeting in the Broadway tavern, according to court documents and recent testimony.

"Someone hired me to kill you," Bulger told South Boston realtor Raymond Slinger, after calling him to a meeting in an upstairs apartment in the late 1980s.

Bulger, accompanied by his friends Kevin Weeks and Kevin O'Neil, said he was willing to spare Slinger's life in exchange for cold cash. But, when Slinger had the audacity to arrive at a follow-up meeting with the trio packing a gun, he was beaten and kicked as an enraged Bulger ordered his friends to "go downstairs and get a body

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bag."

After Bulger's demand increased to $50,000, Slinger reported the extortion to the FBI. Agent John Newton testified that the FBI had "a great case" against Bulger because Slinger was willing to wear a wire and testify.

Still, the FBI took no action.

Days later, O'Neil told Slinger that he'd only have to pay $25,000, but "there wasn't going to be any FBI investigation," according to testimony in the federal court hearings.

Newton's supervisor, Bruce Ellavsky, testified that the FBI dropped the case because the extortion stopped and Slinger no longer wanted to go forward.

Yet, Ellavsky couldn't explain why there were no FBI reports on the incident. There was no mystery about why Bulger and Flemmi never got caught up in an FBI investigation in the late 1980s of a Roxbury bookie who was paying them "rent" and dealing extensively with them. The pair were warned to stay away by agent John Morris because a wiretap was going into John Baharoian's office.

Morris, who had taken three bribes from Bulger, was concerned that the pair could give him up if they were caught and indicted.

But he also testified he was tired of the hold Bulger and Flemmi had on him and the relentless expansion of their criminal network. And he wanted no more blood on his hands. Leave Baharoian alone, the former organized-crime supervisor told them. "I don't want any more Hallorans."

--- INDEX REFERENCES ---

KEY WORDS: BOSTON; ORGANIZED CRIME; NAME-BULGER; SPOTLIGHT; SERIES; NAME- FLEMMI

NEWS SUBJECT: Local/Regional Section (LCR)

EDITION: CITY EDITION

Word Count: 3145

7/22/98 BOSTONG A1

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MEMORANDUM

TO: SYDNEY HANLON, CHIEF, NARCOTICS DIVISION

FROM: NADINE PELLEGRINI, ASSITANT ATTORNEY GENERAL

RE: LIMONE CLEMENCY HEARING

Peter J. Limone (d.o.b.5/7/34) is currently serving a life sentence for the 1965 gangland slaying of Edward Deegan. Limone was originally convicted of murder in the first degree and conspiracy to commit murder along with five other members of a known "crime family."

Originally sentenced to death, that sentence was commuted to life imprisonment after the Furman v. Georgia decision. As of this time, Limone has served 17 years of his sentence. Any further reduction will mean his immediate release.

On August 28th, 1987, Limone will again petition the Advisory Board of Pardons for such commutation. At the last hearing in 1983, the Board did make that recommendation to the Governor.

U.S. Attorney William Weld met with Gov. Dukakis to set out law enforcement's position against further reduction of the sentence. (See attached copy of UPI story.)

I have also attached to this memo a copy of the decision on the appeal from Limone's conviction. It clearly sets out the violent history and the background of Limone.(NB: Footnote #5 at page 363.)



As expected, Limone's behavior as a prisoner has been good and his record does not yield any detrimental information in that respect.

Jerry O'Sullivan of N.E.O.C.T.F. indicates that while Limone's future in the criminal hierarchy is uncertain, given his ties with Anguilo, the F.B.I and State Police have informant information which is "fairly solid", according to 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.

Second Vote of Advisory Board of Pardons 1987

**RECOMMENDATION**

Louis Greco has maintained an exceptionally favorable institutional record throughout his nearly 22 years of incarceration. This fact, along with the petitioner's age, health, and disabled veteran's status combine collectively to make a case for favorable consideration.

The majority notes the opposition of the District Attorney for Suffolk County to any relief for this petition. We believe, however, that in balancing all of the factors presented by this petition that a grant of executive clemency is warranted at this time.

Accordingly, the majority of members of the Advisory Board recommend commutation of Louis Greco's life sentence. Commutation of sentence to 30 years to life is appropriate so as to create immediate parole eligibility after the final vote of the Governor's Council.

Respectfully submitted,

Advisory Board of Pardons

Curran voted against 1st time →

The following members oppose commutation of sentence:

Gittens →

EXHIBIT 804

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
GOVERNOR'S OFFICE OF LEGAL COUNSEL
STATE HOUSE • ROOM 271 • BOSTON 02133

MICHAEL S. DUKAKIS
GOVERNOR
S. STEPHEN ROSENFELD
CHIEF LEGAL COUNSEL
PATRICIA A. BOIES
DEPUTY CHIEF COUNSEL
MARY LOU SZULBORSKI
ASSISTANT LEGAL COUNSEL
DIANNE WILKERSON
ASSISTANT LEGAL COUNSEL

AREA CODE (617)
727-2065

January 13, 1987

John Cavicchi, Esq.
P.O. Box 63
East Boston, Ma. 02128

Dear Attorney Cavicchi:

Governor Dukakis has recieved your most recent letter regarding the commutation petition of Mr. Louis Greco. He has asked me to reply.

While the Governor understands your plea, he is unable to reconsider at this time. The commutation petition of your client, Louis Greco, must first be reviewed by the Advisory Board of Pardons. If the petition receives a favorable recommendation by the Board, it would then be forwarded to this office for consideration. Until such a recommendation is received by this office, a meeting would be premature.

Please feel free to contact me if you have any questions.

Sincerely,

Dianne Wilkerson

Dianne Wilkerson
Assistant Legal Counsel

DW:ss
#2471F

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, Sc. SUPERIOR COURT

MAURICE R. LERNER :
:
VS : Case Number PM833005
:
JOHN MORAN, Director, :
ACI :

SUPERIOR COURT
FILED
CLERK
1987 JAN 15 AM 11:47

D E C I S I O N

BULMAN, J. Heard on amended application for post-conviction relief. Before the Court are hundreds of pages of testimony from two trials, State of Rhode Island v. Maurice R. Lerner, et als, indictment numbers 69-767, 768, 769 (aff'd. 112 R.I. 62)(1973), State of Rhode Island v. Luigi Manocchio, same indictments but subsequently tried, affidavits of David H. Leach, Esquire and Urbano Prignano, testimony of witnesses given before the Court December 10th, 1985 and 14 exhibits offered by the applicant on that date. By stipulation received October 21, 1986 counsel for the parties certified the record was complete and ready for



decision on the issues raised in the pleadings. The Court has spent many hours on the materials before it, considering memoranda of counsel, and researching the problems here involved independently.

Pursuant to R.I.G.L. 1956 § 10-9.1-7, as amended, the 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.

Counsel for both sides have cited many cases, both state and federal, and the Court has read beyond those cited. No case cited, nor found by the Court, is on all fours with this one. Interesting, but not in point, are Mesarosh v. United States, 352 U.S.1 (1956), Napue v. Illinois, 360 U.S. 264 (1959), Schneider v. Estelle, 552 F.2d 593 (5th Cir. 1977), Elkins v. United States, 364 U.S. 206 (1960), United States v. Thompson, 576 F.2d 784 (9th Cir. 1978), United States v. Agurs, 427 U.S. 97 (1976), In re Ouimette, 115 R.I. 169 (1975), State v. Bassett, 447 A.2d 371 (R.I. 1982), and several others.

The Court is satisfied that federal agent Rico was not a member of the prosecution team. It is clear that he

developed Kelley as an informant in cases within his jurisdiction. It is equally clear that Rico never informed the Rhode Island prosecutor fully of his activities as regards Kelley.

The Court finds specifically:

5. Kelley, at the time of trial, was in custody of United States marshals, and not of agents of the Federal Bureau of Investigation.

6. Rico had developed him as an informant and during the process had made certain representations, but he was not acting in behalf of the State of Rhode Island at the time, nor ever.

7. The state prosecutor was wholly without knowledge of Kelley's perjuries.

Reference is made to the Court's earlier denial of State's Motion to Dismiss this application. That decision, filed September 3, 1986 is incorporated herein and the Court finds this application was timely filed and that there was no waiver under R.I.G.L. (1985 Reenactment) § 10-9.1-8.

That Lerner was guilty of the murders of Marfeo and Melei was solidly proven. (See Court's decisions on Motions for New Trial in above indictments.) Notwithstanding Kelley's perjury as to who altered the weapons, the fact is they were altered. And the same can be said re the Gaslight Restaurant meeting; there was a meeting although not at that location. And the

color of the car is of no real consequence. Kelley's failure to disclose fully the extent of federal promises made to him constitutes some impeachment material, but the jury here knew that he had received favors from federal authorities and so had a basis upon which to consider credibility in that area. And, of course, they also knew of the immunity given him.

Since the state prosecutor was not aware of Rico's background role here, since he did not know of Kelley's perjuries, and since Rico was not a member of the state prosecution team, cases such as Smith v. State of Florida, 410 F.2d 1349, are of no help to applicant. Neither is he helped by State v. John Wyche, Jr., R.I. , No. 85-460-C.A. (December 9, 1986). Here, the prosecutor couldn't disclose what he didn't know; there was no prosecutorial misconduct.

Kelley became a witness for the state after having been promised immunity. The mere fact that he had been interviewed by federal agents, and given certain promises by them, in no way taints the prosecution here. Nor did federal authorities give the State evidence unlawfully obtained. The "silver platter doctrine" is not in this case. See Elkins v. United States, 364 U.S. 206 (1960).

It is uncontradicted that Kelley never changed his testimony about Lerner. (Testimony of witness Prignano, December 10, 1985). And proof of Lerner's guilt was overwhelming. (Decisions

on Motions for New Trial, supra). The Court finds the perjuries here complained of constitute mere harmless error.

The applicant has failed to carry his burden of proof. The Court concludes that he is not entitled to relief, that the indictments should not be dismissed, nor should a new trial be granted.

It is ordered that the application be, and it hereby is, denied and dismissed.

GRANTING COMMUTATION HEARING

PETITIONER: LIMONE, Peter J.

OFFENSE: MURDER, 1st degree

SENTENCE: LIFE

EFFECTIVE DATE: 11-1-67

DATE PETITION RECEIVED: 12-23-86

---

___ GRANT
___ DENY
___ DENY WITHOUT PREJUDICE

[redacted] DATE: ___

COMMENTS:

---

___ GRANT
___ DENY [redacted]
___ DENY WITHOUT PREJUDICE

[redacted] DATE: 5/6/87

COMMENTS: This case was the subject of quite deal of controversy. Feel more comfortable not voting.

---

✓ GRANT
___ DENY
___ DENY WITHOUT PREJUDICE

[redacted] DATE: 5/20/87

COMMENTS: Although this crime is a particular [illegible] and petitioner's burden [illegible] [illegible] that a hearing is [illegible] [illegible]

---

[illegible] GRANT
___ DENY
___ DENY WITHOUT PREJUDICE

[redacted] DATE: 5/14/87

COMMENTS: [illegible] (Due to the fact my name is [illegible] in [illegible] [illegible] [illegible] of 6-17-[illegible])

---

✓ GRANT
___ DENY
___ DENY WITHOUT PREJUDICE

[redacted] DATE: [illegible]

COMMENTS: Subjects support from [illegible] [illegible] his track record [illegible]

---

✓ GRANT
___ DENY
___ DENY WITHOUT PREJUDICE

[redacted] DATE: 6/2/87

COMMENTS: Board [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

---

✓ GRANT
___ DENY

EXHIBIT 808

[redacted] DATE: 6/4/87

COMMENTS: A most troublesome case, however a hearing is warranted at [illegible]

The Commonwealth of Massachusetts
Advisory Board of Pardons
Leverett Saltonstall Building, Government Center
100 Cambridge Street, Boston 02202

1111651

727-3271

a20

July 29, 1987

Honorable James Shannon
Attorney General
McCormack Building
1 Ashburton Place
Boston, MA 02108

Re: Peter J. Limone
Dob: May 7, 1934

Dear Attorney General Shannon:

In accordance with Massachusetts General Laws, Chapter 127, Section 154, the Advisory Board of Pardons is notifying you of a commutation hearing for the above-named individual.

This hearing is scheduled for August 28, 1987 at 2:00 P.M. at One Ashburton Place, Room 1A, Boston, MA 02108.

You are invited to attend this public hearing and/or forward a written statement concerning this petition for executive clemency to the Board.

If you have any questions regarding this matter, please feel free to contact me at [redacted].

Sincerely,

Barbara D. Johnson

Barbara D. Johnson
Pardons Coordinator

Advisory Board of Pardons

BDJ:es

ATTORNEY GENERAL
Rec'd
AUG 4 1987
Ref'd to Atty
Ans.

EXHIBIT
809

U.S. Department of Justice

Federal Bureau of Investigation

900 John F. Kennedy Federal Building
Boston, Massachusetts 02203

In Reply, Please Refer to
File No.

October 19, 1987

Mr. John J. Curran, Jr.
Chairman
Massachusetts Parole Board
100 Cambridge Street
Boston, Massachusetts 02202

Re: Peter Joseph Limone

Dear Mr. Curran:

In response to your request of September 3, 1987, I have caused a review to be conducted of FBI Boston files concerning Peter Joseph Limone, date of birth May 7, 1934, and presently in custody of the Commonwealth of Massachusetts.

The information set forth below has been specifically checked to insure that each reference is in fact to the above individual and not to be confused with his nephew, PETER JAMES LIMONE, who is presently in federal custody as a result of guilty pleas on May 12, 1985 and May 16, 1986, in U. S. District Court, Boston, to two separate federal indictments and involving certain criminal acts committed as part of a criminal enterprise defined as the La Cosa Nostra (LCN).

Additionally, each time information furnished by an FBI informant is summarized and set forth, it can be stated, unless otherwise noted, that each informant cited is considered reliable by the office and that information furnished by that informant has in the past been corroborated by independent FBI investigation or electronic surveillance or other FBI informants or various combination of the above. Information has been characterized or summarized in order to prevent the identity of the informant from being detected.



EXHIBIT
810

The FBI, over the last several years, has conducted an extensive loansharking investigation of a group in Revere, Massachusetts, which investigation did include use of informants and developed witnesses. Since this group and its purported leader are presently under indictment and awaiting trial, specific names of group members are not being set forth.

One confidential FBI informant reported on August 16, 1985, that the leader of this alleged loan sharking operation paid Peter Limone a certain percentage of everything he makes once a month. The informant referred to Limone as the group leader's "godfather" stating Limone has had an association with the group leader for a number of years.

On January 22, 1986, the same informant furnished a detailed breakdown of a large loan shark payment made to the group leader by a victim. This accounting reflected $20,000 going to Peter Limone. At least one other individual had reported the same information to the FBI.

On September 10, 1986, the informant reported that Peter Limone, while out on furlough recently, had been seen seen walking with an identified LCN member in the North End.

On September 15, 1987, this same informant identified Peter Limone as a member of the La Cosa Nostra, stating that Limone and Gennaro Angiulo were made members at the same time. Informant again reported the continuing relationship between the leader of the alleged loansharking operation and Limone, stating the leader was paying Limone every month and was "under" Limone.

On April 27, 1981, a second FBI informant, whose reliability at this time would be labeled as unknown, identified the leader of the above loansharking operation and two other individuals also presently under indictment, stating the leader of the loanshark group receives a portion of his loanshark money through Peter J. Limone. It was reported that monies are received at 1-1½ points from the Gennaro J. Angiulo operation and placed on the streets at 5 points.

Concerning the same loansharking operation, another known member of the LCN reported to an individual on January 18, 1987, that the leader of the alleged loansharking operation is "with" Peter Limone and that Limone is "with the Angiulos and that another LCN capo (named) has taken over for the Angiulos since they went away to prison.

Concerning this same loansharking group, another cooperative person has advised the FBI in 1987 that Peter Limone was given the football card business when he went into prison and a relative watched out for his interest while incarcerated and that this same relative was running the Angiulo's numbers operation in the North End. The individual advised as late as September, 1987, that the above loansharking operation is still collecting money owed, that Peter Limone had made at least one decision about an individual who did not have to make "vig" payments, and that at least some of the collected monies were going to a Limone relative.

On September 15 and September 18, 1987, a third confidential FBI informant identified Peter Limone as a made member of the LCN "with the Angiulos" This informant reported that the LCN is anxious for Limone to be released and offered some detailed speculations and rumor within the LCN as to why informant thought Limone might occupy a position of authority within the LCN when released. This informant also stated that Peter Limone plans on working at the family restaurant in the North End which will enable him to be in contact with members of the organized criminal element.

On August 3, 1983, a fourth confidential FBI informant reported that Frank Angiulo was telling people that the raids (FBI) were coming down at the end of August. Informant advised further that Gennaro Angiulo would do anything to get Peter Limone on the street and that Angiulo and his associates had spent plenty of money trying to accomplish this.

In August of 1986, a 5th confidential FBI informant reported on a contact Peter Limone had with other LCN members while on a recent furlough from prison and on November 3, 1986, reported that Gennaro Angiulo is trying to hang on to his numbers business and collect whatever loanshark money he has on the street. The informant reported that the incarcerated Angiulo calls his wife Barbara, who has call forwarding device on her phone, which allows him to contact "Big Peter" Limone at the Mattapan Pre-Release Center. According to the informant Limone was then collecting Angiulo loansharking money which was formally being done by another Angiulo who was now in prison.

This same source had previously identified Peter Limone as an LCN soldier.

FBI Boston files do contain additional information that appears relevant to your inquiry; however, this information is presently under seal and impounded by the U. S. District Court. Within the next several days and through the Organized Crime Strike Force we shall seek a court order allowing us to disclose the additional information to you in a manner that the court deems apporopriate.

It is my understanding that under your administrative proceedings you are not required to disclose the above information beyond the State Advisory Board of Pardons and the Governor. It is my request that the above information be handled in this manner, and we will so represent to the court in our motion that any additonal information provided will be handled in a like manner.

The FBI is furnishing this information for your decision making process and takes no position nor makes any recommendation as to the parole or the commutation of sentence in reference to Peter Limone.

Sincerely yours,

JAMES F. AHEARN
Special Agent in Charge

U.S. Department of Justice

Federal Bureau of Investigation

900 John F. Kennedy Federal Building
Boston, Massachusetts 02203

In Reply, Please Refer to
File No.

October 28, 1987

Mr. John J. Curran, Jr.
Chairman
Massachusetts Parole Board
100 Cambridge Street
Boston, Massachusetts 02202

Re: Peter Joseph Limone

Dear Mr. Curran:

In my letter of October 19, 1987, I advised you that there was additional information relevant to your inquiry, however, this information was under seal and impounded by U. S. District Court.

On October 26, 1987, USDC Judge William G. Young allowed the Government's motion to disclose the following information:

On January 23, 1981, electronic surveillance was being conducted of a conversation involving at least Gennaro and Nicolo Angiulo concerning a numbers writer in Revere, Massachusetts, who had a large loss from a bet that was not properly placed. Gennaro Angiulo stated that the bookmaker went "to (name deleted). (Name deleted) goes to Peter Limone, Peter Limone sends word to his nephew, to me. I send the nephew in to grab the guy and become partners with him. And there's a question of money then. Sometimes the kid pays thirty thousand on a (expletive deleted) hit."

Shortly thereafter, Gennaro Angiulo comments that he had paid attention or would have asked, "What do you get from this guy that we're partners with? Where's the (expletive deleted) money with your uncle, you and me?"

During the course of electronic surveillance on March 9, 1981, Donato Angiulo related to Gennaro Angiulo information he obtained from Peter Limone that was to be relayed to Gennaro Angiulo and concerned an individual named Howie Winter. After



the information is given to Gennaro Angiulo, he is critical of the accuracy of the information and Donato Angiulo states, "I'm tellin ya this is what Peter come in and told me." Gennaro Angiulo questions whether or not Peter Limone was sober and later states, "Peter Limone's getting soft. He don't remember that this guy's with us."

Later in this same conversation Gennaro Angiulo asks, "When is he coming out again, Mr. Limone?" Donato Angiulo responds, "There ah runnin a party for him ah - sixteenth - over here at the Aquarium. We're all invited. Table for the Angiulos." Gerry Angiulo states, "Frank, you gotta go with Smiley."

After being critical of Peter Limone's information again in this conversation, Gennaro Angiulo later states:

"So you see all of this adds up to one thing here. Does Mr. Limone knew what he is doing? You know, he's doing life, that he chose to do it. And I reminded him. Let's get that straight. And it sounds to me now like he's doing the same thing. Do you think he's doing you a favor to come up to your house and tell you these things second hand? And you without asking him, whoa. I don't bring no messages Peter. Tell me exactly where you got it and how you got it. Cause that is gonna be his first question. Is that my first question to you?"

The above information has been taken from preliminary transcripts of court ordered electronic surveillance conducted by the FBI. In the event these transcripts were to be used in court, they would be reviewed again for final verbage of the transcriptions.

It is my understanding that under your administrative proceedings you are not required to disclose the above information beyond the State Advisory Board of Pardons and the Governor. It is my request that the above information be handled in this manner.

The FBI is furnishing this information for your decision making process and takes no position nor makes any recommendation as to the parole or commutation of sentence in reference to Peter Limone.

Sincerely yours,

JAMES F. AHEARN
Special Agent in Charge

EXECUTIVE CLEMENCY VOTE SHEET

IN RE: Peter Limone, PETITION FOR EXECUTIVE CLEMENCY, CASE NUMBER ( ).

In consideration of the above matter, the Advisory Board of Pardons herewith records the vote of its membership, and thereby recommends/denies said petition for the reasons set forth below:

MEMBER [redacted] VOTE Deny DATE 11/16/87

COMMENT: Bd provided with confidential info and is satisfied this man still represents a risk. We were also made privy to info that was under seal in the Fed. Ct.

[redacted]

MEMBER [redacted] VOTE Deny DATE 11/16/87

COMMENT: Concur [redacted]

MEMBER [redacted] VOTE Deny DATE 11/16/87

COMMENT:

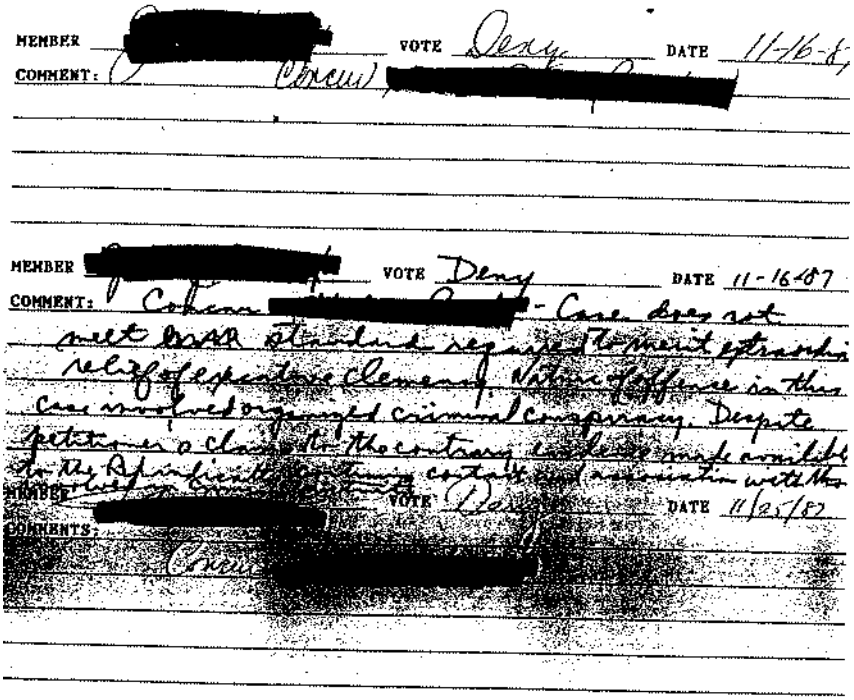
Concur [redacted]

EXHIBIT 812

MEMBER [redacted] VOTE Deny DATE 11-16-87

COMMENT: Concur [redacted]

Information received recently from Federal Authorities which was available in 1983 but not presented to the Advisory Board clearly indicates a continued association with those recently convicted under



MEMBER [redacted] VOTE Deny DATE 11-16-87

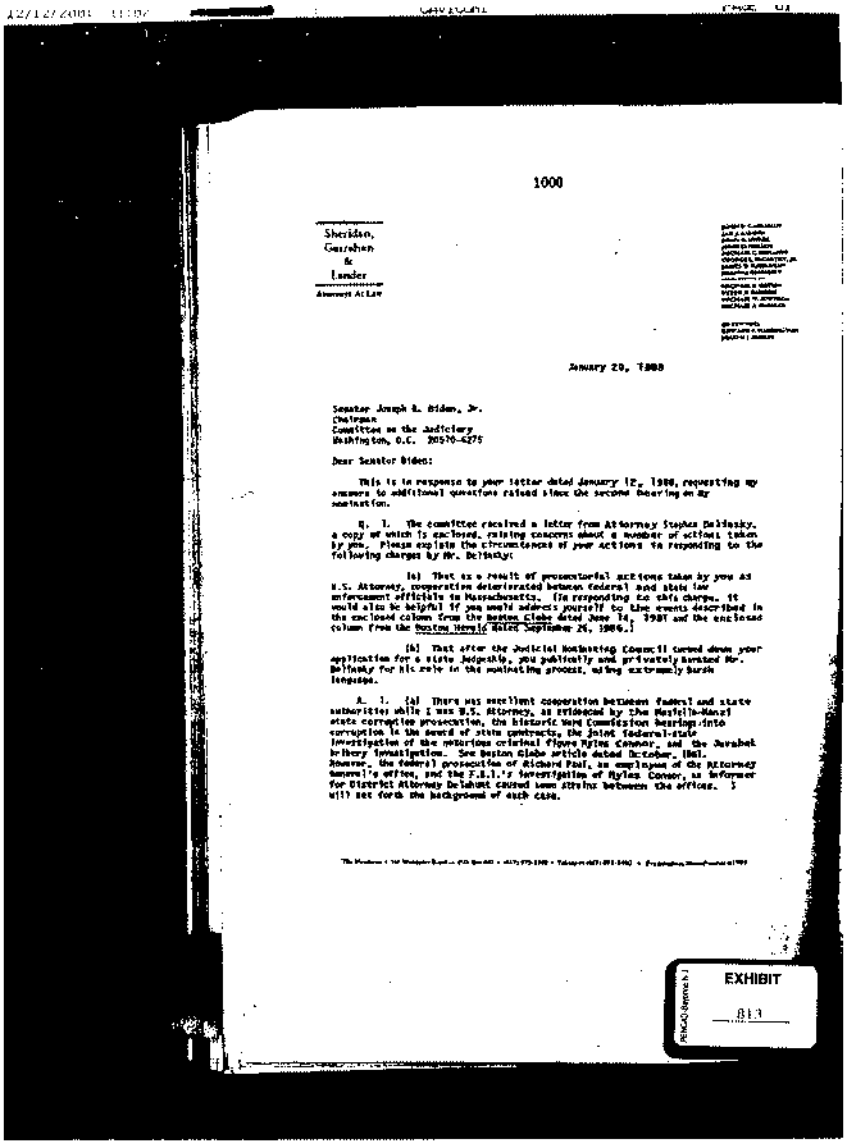
COMMENT: Concur [redacted]

MEMBER [redacted] VOTE Deny DATE 11-16-87

COMMENT: Concur [redacted] - Case does not meet [illegible] standard required to merit extraordinary relief of executive clemency. Nature of offence in this case involved organized criminal conspiracy. Despite petitioner's claims to the contrary evidence made available to the Rehindicatt [illegible] contact and association with the [illegible]

MEMBER [redacted] VOTE Deny DATE 11/25/87

COMMENTS: Concur [redacted]



1000

Sheridan,
Gershon
&
Lander
Attorneys At Law

January 29, 1988

Senator Joseph R. Biden, Jr.
Chairman
Committee on the Judiciary
Washington, D.C. 20510-6275

Dear Senator Biden:

This is in response to your letter dated January 12, 1988, requesting my answers to additional questions raised since the second hearing on my nomination.

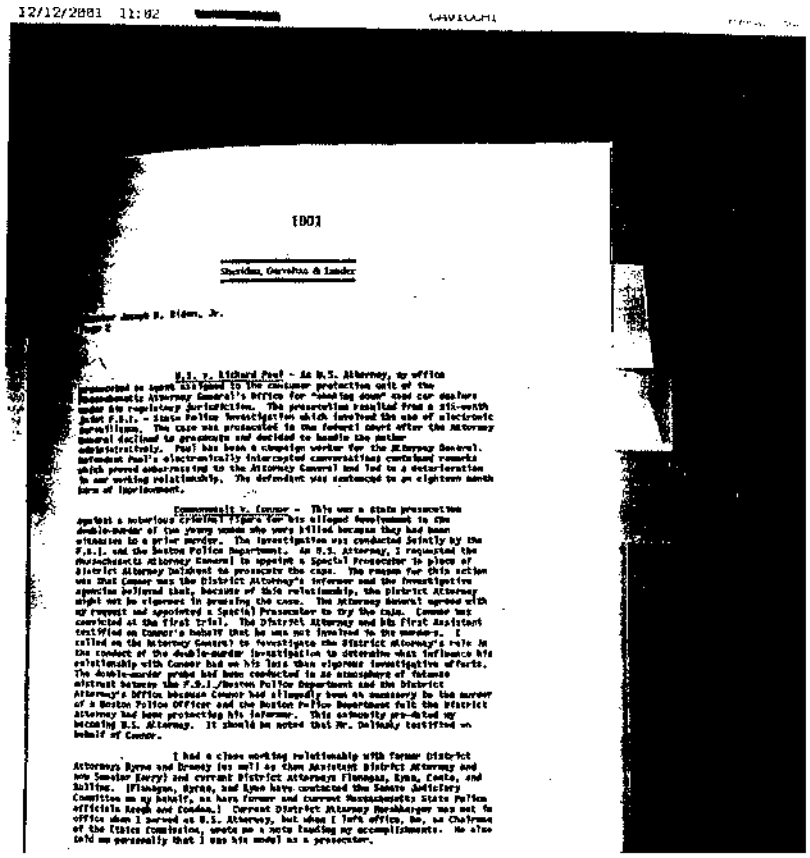
Q. 1. The committee received a letter from Attorney Stephen Delinsky, a copy of which is enclosed, raising concerns about a number of actions taken by you. Please explain the circumstances of your actions in responding to the following charges by Mr. Delinsky:

(a) That as a result of prosecutorial actions taken by you as U.S. Attorney, cooperation deteriorated between federal and state law enforcement officials in Massachusetts. (In responding to this charge, it would also be helpful if you would address yourself to the events described in the enclosed column from the Boston Globe dated June 14, 1987 and the enclosed column from the Boston Herald dated September 26, 1986.)

(b) That after the Judicial Nominating Council turned down your application for a state judgeship, you publically and privately berated Mr. Delinsky for his role in the nominating process, using extremely harsh language.

A. 1. (a) There was excellent cooperation between federal and state authorities while I was U.S. Attorney, as evidenced by the Mazzilo-Manzi state corruption prosecution, the historic Ware Commission hearings into corruption in the award of state contracts, the joint federal-state investigation of the notorious criminal figure Myles Connor, and the Durabet bribery investigation. See Boston Globe article dated October, 1981. However, the federal prosecution of Richard Real, an employee of the Attorney General's office, and the F.B.I.'s investigation of Myles Connor, as informer for District Attorney Delahunt caused some strains between the offices. I will set forth the background of each case.

EXHIBIT
813



12/12/2001 11:02 [redacted] CAVICCHI

[001]

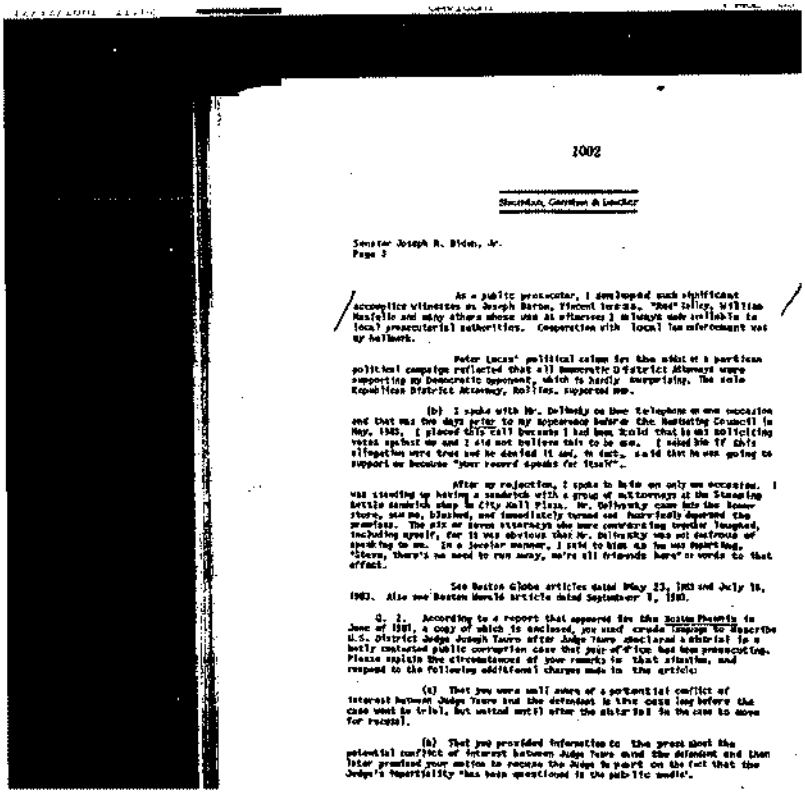
Sheridan, Garvelas & Lander

Senator Joseph R. Biden, Jr.
Page 2

U.S. v. Richard Paul - As U.S. Attorney, my office prosecuted an agent assigned to the consumer protection unit of the Massachusetts Attorney General's Office for "sanding down" used car dealers under his regulatory jurisdiction. The prosecution resulted from a six-month joint F.B.I. - State Police investigation which involved the use of electronic surveillance. The case was prosecuted in the federal court after the Attorney General declined to prosecute and decided to handle the matter administratively. Paul has been a campaign worker for the Attorney General. Defendant Paul's electronically intercepted conversations contained remarks which proved embarrassing to the Attorney General and led to a deterioration in our working relationship. The defendant was sentenced to an eighteen month term of imprisonment.

Commonwealth v. Connor - This was a state prosecution against a notorious criminal figure for his alleged involvement in the double-murder of two young women who were killed because they had been witnesses to a prior murder. The investigation was conducted jointly by the F.B.I. and the Boston Police Department. As U.S. Attorney, I requested the Massachusetts Attorney General to appoint a Special Prosecutor in place of District Attorney Delahunt to prosecute the case. The reason for this action was that Connor was the District Attorney's informer and the investigative agencies believed that, because of this relationship, the District Attorney might not be vigorous in pressing the case. The Attorney General agreed with my request and appointed a Special Prosecutor to try the case. Connor was convicted at the first trial. The District Attorney and his first Assistant testified on Connor's behalf that he was not involved in the murders. I called on the Attorney General to investigate the District Attorney's role in the conduct of the double-murder investigation to determine what influence his relationship with Connor had on his less than vigorous investigative efforts. The double-murder probe had been conducted in an atmosphere of intense mistrust between the F.B.I./Boston Police Department and the District Attorney's Office because Connor had allegedly been an accessory to the murder of a Boston Police Officer and the Boston Police Department felt the District Attorney had been protecting his informer. This animosity pre-dated my becoming U.S. Attorney. It should be noted that Mr. Delinsky testified on behalf of Connor.

I had a close working relationship with former District Attorneys Byrne and Bronsey (as well as their Assistant District Attorney and now Senator Kerry) and current District Attorneys Flanagan, Ryan, Conte, and Sullivan. (Flanagan, Byrne, and Ryan have contacted the Senate Judiciary Committee on my behalf, as have former and current Massachusetts State Police officials Keogh and Condon.) Current District Attorney Hershberger was not in office when I served as U.S. Attorney, but when I left office, he, as Chairman of the Ethics Commission, wrote me a note lauding my accomplishments. He also told me personally that I was his model as a prosecutor.





Shenkman, Garrison & Lowther

Senator Joseph R. Biden, Jr.
Page 3

As a public prosecutor, I developed such significant accomplice witnesses as Joseph Barton, Vincent Lucas, "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.

Peter Lucas' political column for the midst of a partisan political campaign reflected that all Democratic District Attorneys were supporting my Democratic opponent, which is hardly surprising. The sole Republican District Attorney, Rollins, supported me.

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See Boston Globe articles dated May 23, 1983 and July 18, 1983. Also see Boston Herald article dated September 1, 1983.

Q. 2. According to a report that appeared in the Boston Phoenix in June of 1981, a copy of which is enclosed, you used crude language to describe U.S. District Judge Joseph Tauro after Judge Tauro declared a mistrial in a hotly contested public corruption case that your office had been prosecuting. Please explain the circumstances of your remarks in that situation, and respond to the following additional charges made in the article:

(a) That you were well aware of a potential conflict of interest between Judge Tauro and the defendant in the case long before the case went to trial, but waited until after the mistrial in the case to move for recusal.

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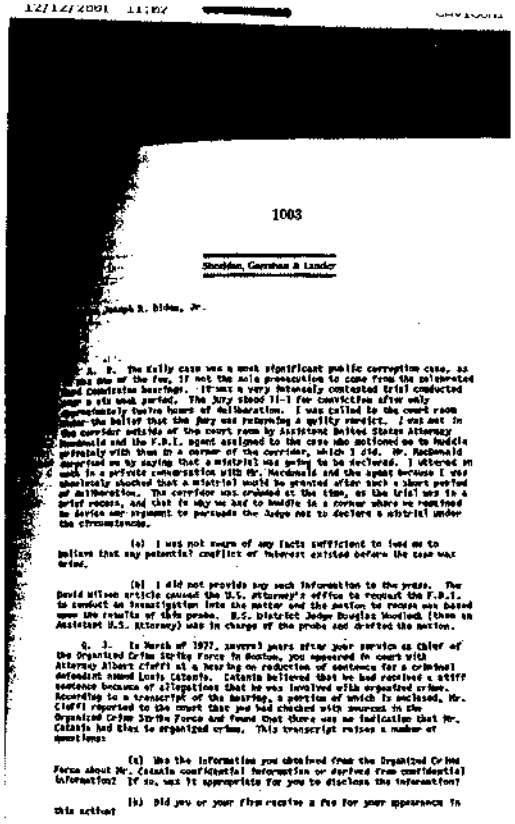

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Sheridan, Garrahan & Lander

Joseph R. Biden, Jr.

A. 2. The Kelly case was a most significant public corruption case, as [illegible] one of the few, if not the sole prosecution to come from the celebrated [illegible] Commission hearings. It was a very intensely contested trial conducted [illegible] a six week period. The jury stood 11-1 for conviction after only [illegible] approximately twelve hours of deliberation. I was called to the court room [illegible] the belief that the jury was returning a guilty verdict. I was met in the corridor outside of the court room by Assistant United States Attorney Macdonald and the F.B.I. agent assigned to the case who motioned me to huddle privately with them in a corner of the corridor, which I did. Mr. Macdonald surprised me by saying that a mistrial was going to be declared. I uttered an oath in a private conversation with Mr. Macdonald and the agent because I was absolutely shocked that a mistrial would be granted after such a short period of deliberation. The corridor was crowded at the time, as the trial was in a brief recess, and that is why we had to huddle in a corner where we remained to devise any argument to persuade the Judge not to declare a mistrial under the circumstances.

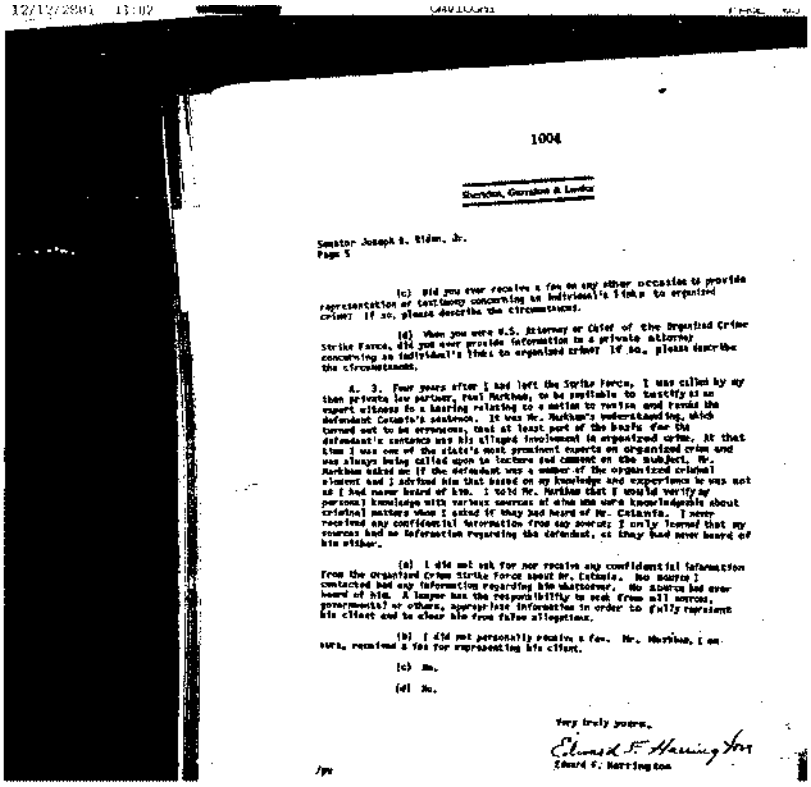
(a) I was not aware of any facts sufficient to lead me to believe that any potential conflict of interest existed before the case was tried.

(b) I did not provide any such information to the press. The David Wilson article caused the U.S. Attorney's office to request the F.B.I. to conduct an investigation into the matter and the motion to recess was based upon the results of this probe. U.S. District Judge Douglas Woodlock (then an Assistant U.S. Attorney) was in charge of the probe and drafted the motion.

Q. 3. In March of 1977, several years after your service as Chief of the Organized Crime Strike Force in Boston, you appeared in court with Attorney Albert Cioffi at a hearing on reduction of sentence for a criminal defendant named Louis Catania. Catania believed that he had received a stiff sentence because of allegations that he was involved with organized crime. According to a transcript of the hearing, a portion of which is enclosed, Mr. Cioffi reported to the court that you had checked with sources in the Organized Crime Strike Force and found that there was no indication that Mr. Catania had thus to organized crime. This transcript raises a number of questions:

(a) Was the information you obtained from the Organized Crime Force about Mr. Catania confidential information or derived from confidential information? If so, was it appropriate for you to disclose the information?

(b) Did you or your firm receive a fee for your appearance in this action?



12/12/2001 11:02 [redacted] PAGE 03



Sheridan, Garrison & Lawler

Senator Joseph R. Biden, Jr.
Page 5

(c) Did you ever receive a fee on any other occasion to provide representation or testimony concerning an individual's links to organized crime? If so, please describe the circumstances.

(d) When you were U.S. Attorney or Chief of the Organized Crime Strike Force, did you ever provide information to a private attorney concerning an individual's links to organized crime? If so, please describe the circumstances.

A. 3. Four years after I had left the Strike Force, I was called by my then private law partner, Paul Markham, to be available to testify as an expert witness for a hearing relating to a motion to revise and revoke the defendant Catania's sentence. It was Mr. Markham's understanding, which turned out to be erroneous, that at least part of the basis for the defendant's sentence was his alleged involvement in organized crime. At that time I was one of the state's most prominent experts on organized crime and was always being called upon to lecture and comment on the subject. Mr. Markham asked me if the defendant was a member of the organized criminal element and I advised him that based on my knowledge and experience he was not as I had never heard of him. I told Mr. Markham that I would verify my personal knowledge with various sources of mine who were knowledgeable about criminal matters when I asked if they had heard of Mr. Catania. I never received any confidential information from any source; I only learned that my sources had no information regarding the defendant, as they had never heard of him either.

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(b) I did not personally receive a fee. Mr. Markham, I am sure, received a fee for representing his client.

(c) No.

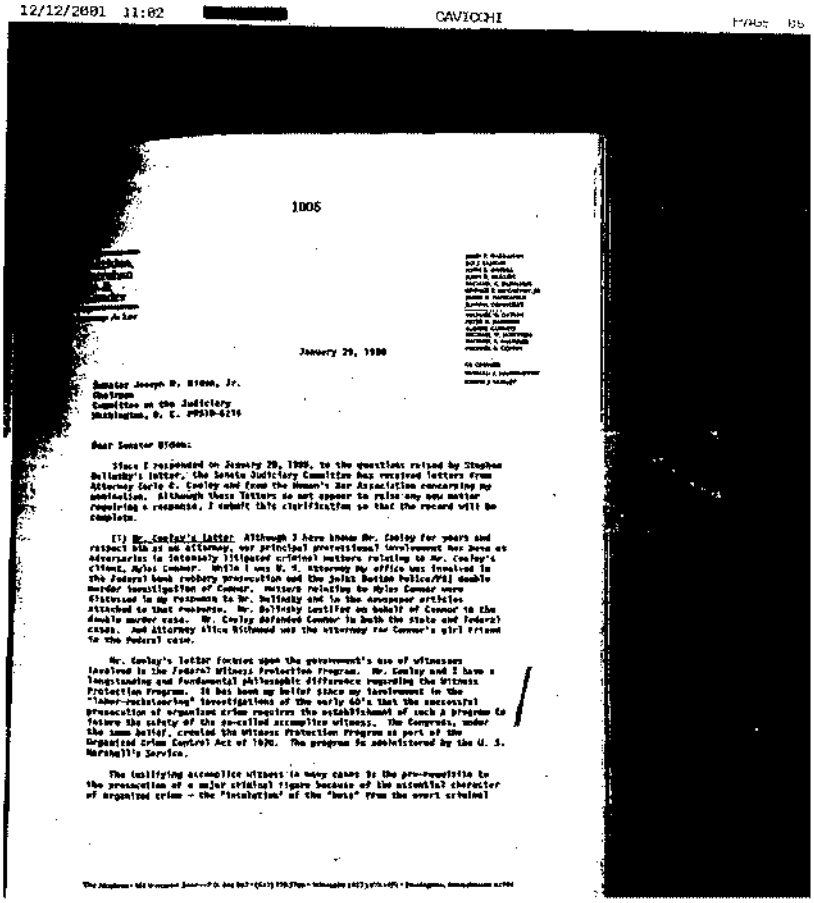
(d) No.

Very truly yours,

Edward F. Harrington

Edward F. Harrington

/pw



12/12/2001 11:02 [redacted] CAVIOCHI PAGE 05

1005

January 29, 1990

Senator Joseph R. Biden, Jr.
Chairman
Committee on the Judiciary
Washington, D. C. 20510-6216

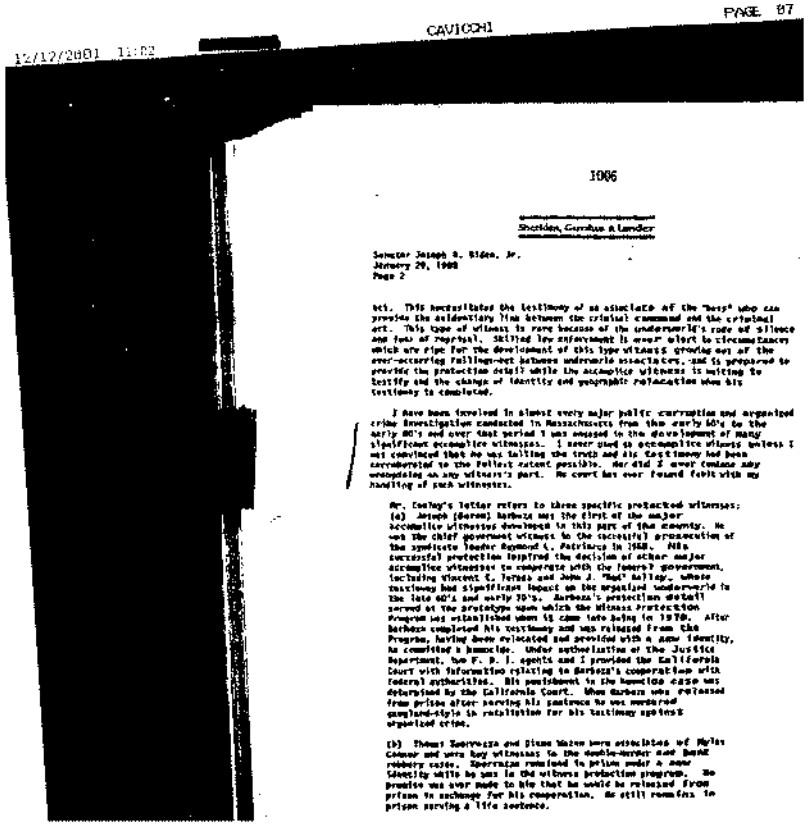
Dear Senator Biden:

Since I responded on January 29, 1990, to the questions raised by Stephen Bellenky's letter, the Senate Judiciary Committee has received letters from Attorney Carle C. Conley and from the Women's Bar Association concerning my nomination. Although these letters do not appear to raise any new matter requiring a response, I submit this clarification so that the record will be complete.

(1) Mr. Conley's letter. Although I have known Mr. Conley for years and respect him as an attorney, our principal professional involvement has been as adversaries in intensely litigated criminal matters relating to Mr. Conley's client, Myles Connor. While I was U. S. Attorney my office was involved in the federal bank robbery prosecution and the Suffolk District Police/Fall double murder investigation of Connor. Matters relating to Myles Connor were discussed in my responses to Mr. Bellenky and in the newspaper articles attached to that response. Mr. Bellenky testified on behalf of Connor in the double murder case. Mr. Conley defended Connor in both the state and federal cases. And Attorney Alice Richmond was the attorney for Connor's girl friend in the federal case.

Mr. Conley's letter focuses upon the government's use of witnesses involved in the Federal Witness Protection Program. Mr. Conley and I have a longstanding and fundamental philosophic difference regarding the Witness Protection Program. It has been my belief since my involvement in the "labor-racketeering" investigations of the early 60's that the successful prosecution of organized crime requires the establishment of such a program to insure the safety of the so-called accomplice witness. The Congress, under the same belief, created the Witness Protection Program as part of the Organized Crime Control Act of 1970. The program is administered by the U. S. Marshall's Service.

The testifying accomplice witness in many cases is the pre-requisite to the prosecution of a major criminal figure because of the essential character of organized crime -- the "insulation" of the "boss" from the overt criminal







Sheridan, Cavicchi & Lander



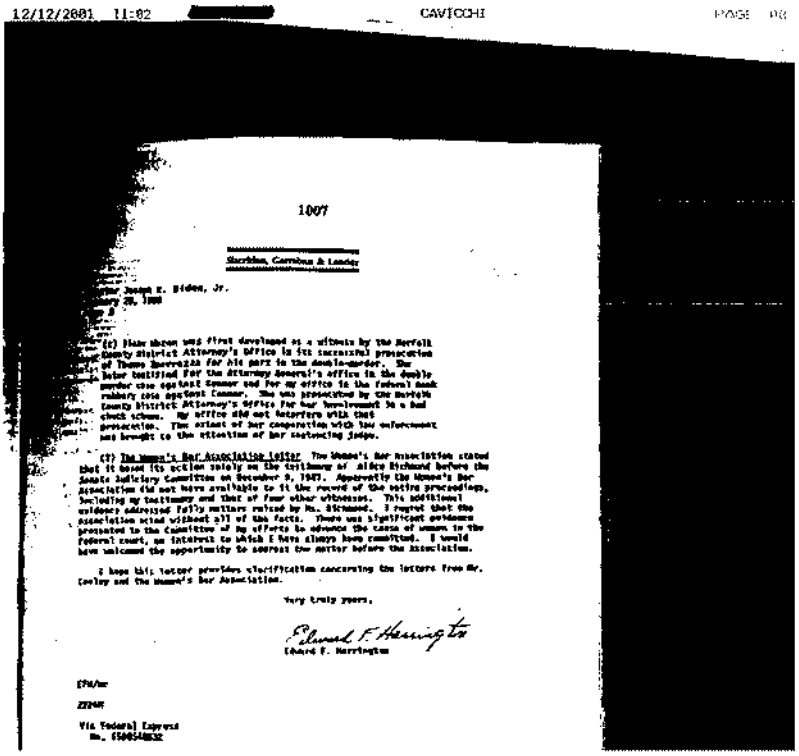
act. This necessitates the testimony of an associate of the "boss" who can provide the evidentiary link between the criminal commander and the criminal act. This type of witness is rare because of the underworld's code of silence and fear of reprisal. Skilled law enforcement is ever alert to circumstances which are ripe for the development of this type witness growing out of the ever-occurring falling-out between underworld associates, and is prepared to provide the protective detail while the accomplice witness is waiting to testify and the change of identity and geographic relocation when his testimony is completed.

I have been involved in almost every major public corruption and organized crime investigation conducted in Massachusetts from the early 60's to the early 80's and over that period I was exposed to the development of many significant accomplice witnesses. 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's part. No court has ever found fault with my handling of such witnesses.

Mr. Cooney's letter refers to three specific protected witnesses:

(a) Joseph (Doron) Barbara was the first of the major accomplice witnesses developed in this part of the country. He was the chief government witness in the successful prosecution of the syndicate leader Raymond L. Patriarca in 1968. His successful protection inspired the decision of other major accomplice witnesses to cooperate with the federal government, including Vincent F. Teresa and John J. "Red" Kelley, whose testimony had significant impact on the organized underworld in the late 60's and early 70's. Barbara's protection detail served as the prototype upon which the Witness Protection Program was established when it came into being in 1970. After Barbara completed his testimony and was released from the Program, having been relocated and provided with a new identity, he committed a homicide. Under authorization of the Justice Department, two F. B. I. agents and I provided the California Court with information relating to Barbara's cooperation with federal authorities. His punishment in the homicide case was determined by the California Court. When Barbara was released from prison after serving his sentence he was murdered gangland-style in retaliation for his testimony against organized crime.

(b) Thomas Buonvecchio and Diane Wazen were associates of Myles Connor and were key witnesses in the double-murder and Brink's robbery cases. Buonvecchio remained in prison under a new identity with my aid in the witness protection program. No promise was ever made to him that he would be released from prison in exchange for his cooperation. He still remains in prison serving a life sentence.





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Sheridan, Carrolan & Lander

[illegible] Joseph R. Biden, Jr.
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(c) Blank Abram was first developed as a witness by the Norfolk County District Attorney's Office in its successful prosecution of Thomas Beerrezza for his part in the double-murder. She later testified for the Attorney General's office in the double murder case against Sumner and for my office in the federal bank robbery case against Sumner. She was prosecuted by the Norfolk County District Attorney's Office for her involvement in a bad check scheme. My office did not interfere with that prosecution. The extent of her cooperation with law enforcement was brought to the attention of her sentencing judge.

(f) The Women's Bar Association letter. The Women's Bar Association stated that it based its action solely on the testimony of Alice Richmond before the Senate Judiciary Committee on December 9, 1987. Apparently the Women's Bar Association did not have available to it the record of the entire proceedings, including my testimony and that of four other witnesses. This additional evidence addressed fully matters raised by Ms. Richmond. I regret that the association acted without all of the facts. There was significant evidence presented to the Committee of my efforts to advance the cause of women in the federal court, an interest to which I have always been committed. I would have welcomed the opportunity to address the matter before the Association.

I hope this letter provides clarification concerning the letters from Mr. Conley and the Women's Bar Association.

Very truly yours,

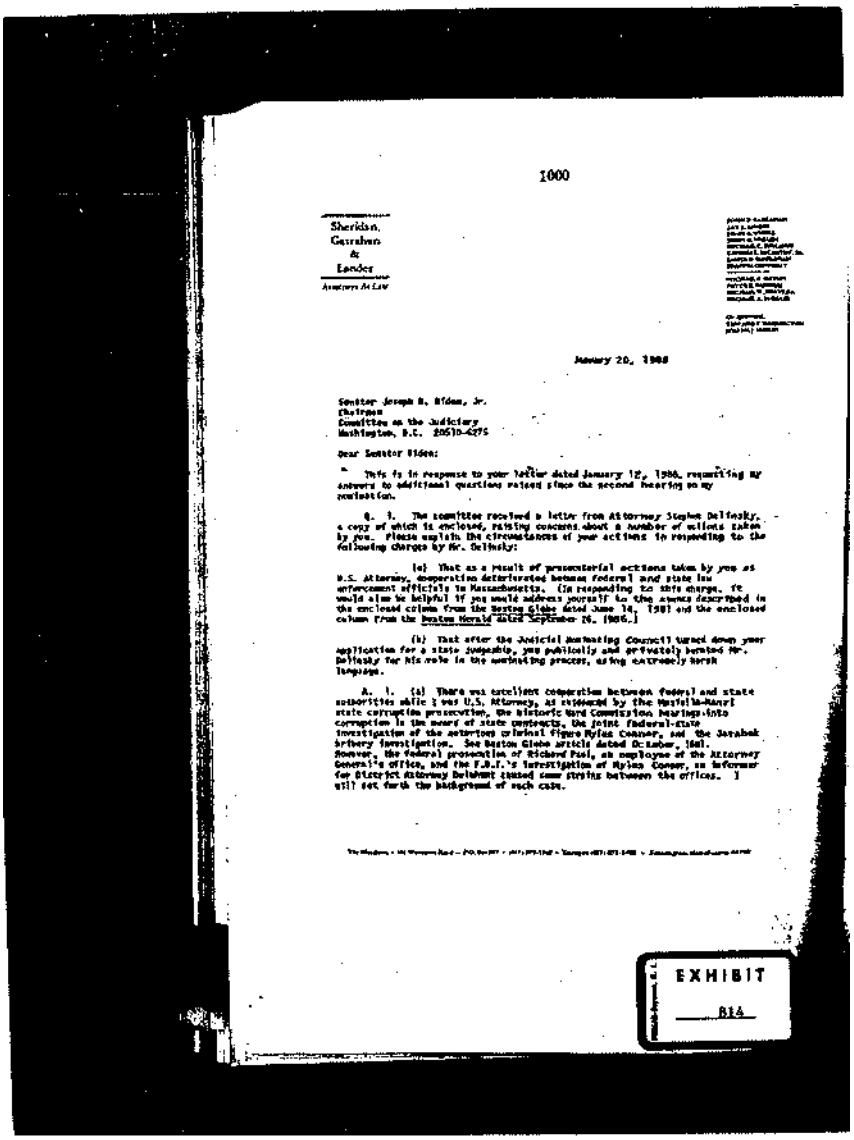
Edward F. Harrington

Edward F. Harrington

EFH/mr

[illegible]

Via Federal Express
No. [illegible]



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Sheridan, Gresham & Sanders

Attorneys At Law

January 20, 1988

Senator Joseph R. Biden, Jr.
Chairman
Committee on the Judiciary
Washington, D.C. 20510-6275

Dear Senator Biden:

This is in response to your letter dated January 12, 1988, requesting my answers to additional questions raised since the second hearing on my nomination.

Q. 1. The committee received a letter from Attorney Stephen Delinsky, a copy of which is enclosed, raising concerns about a number of actions taken by you. Please explain the circumstances of your actions in responding to the following charges by Mr. Delinsky:

(a) That as a result of prosecutorial actions taken by you as U.S. Attorney, cooperation deteriorated between federal and state law enforcement officials in Massachusetts. (In responding to this charge, it would also be helpful if you would address yourself to the cases described in the enclosed column from the Boston Globe dated June 14, 1981 and the enclosed column from the Boston Herald dated September 16, 1986.)

(b) That after the Judicial Nominating Council turned down your application for a state judgeship, you publically and privately berated Mr. Delinsky for his role in the nominating process, using extremely harsh language.

A. 1. (a) There was excellent cooperation between federal and state authorities while I was U.S. Attorney, as evidenced by the Mashpee-Wampi state corruption prosecution, the Historic Ward Commission hearings into corruption in the award of state contracts, the joint federal-state investigation of the notorious criminal figure Myles Connor, and the Jamabak bribery investigation. See Boston Globe article dated October, 1981. However, the federal prosecution of Richard Paul, an employee of the Attorney General's office, and the F.B.I.'s investigation of Myles Connor, an informer for District Attorney Delahunt caused some strife between the offices. I will set forth the background of each case.

EXHIBIT
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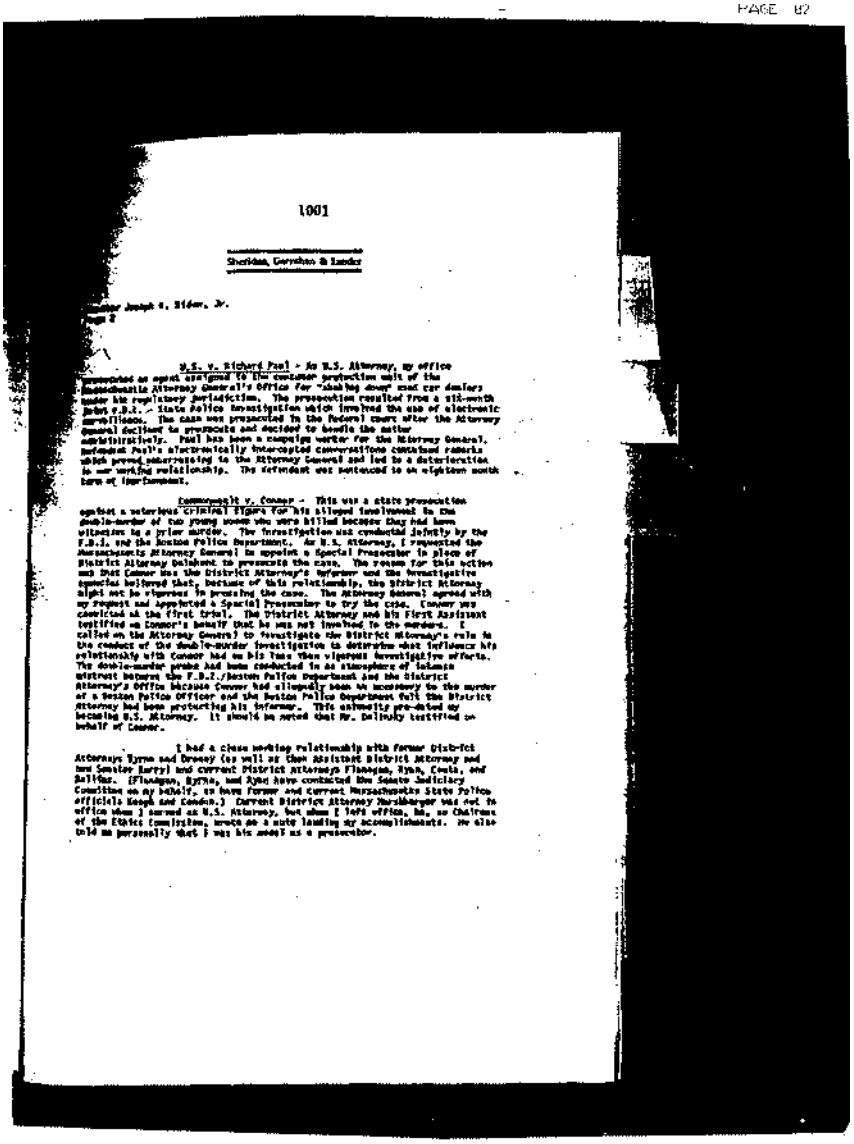

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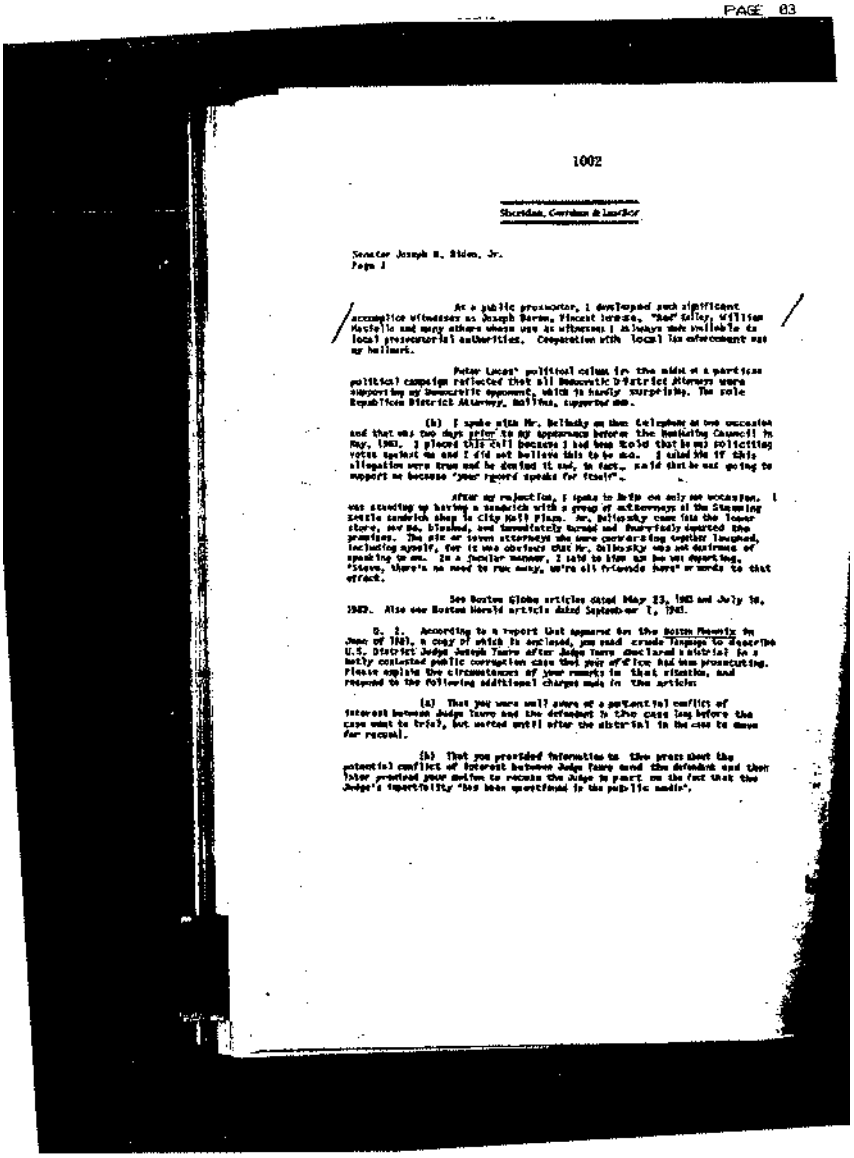
Sheridan, Gershon & Lander

[illegible] Joseph A. Sidor, Jr.
Page 2

U.S. v. Richard Paul - As U.S. Attorney, my office prosecuted an agent assigned to the consumer protection unit of the Massachusetts Attorney General's Office for "shaking down" used car dealers under his regulatory jurisdiction. The prosecution resulted from a six-month joint F.B.I. - State Police Investigation which involved the use of electronic surveillance. The case was prosecuted in the federal court after the Attorney General declined to prosecute and decided to handle the matter administratively. Paul has been a campaign worker for the Attorney General. Defendant Paul's electronically intercepted conversations contained remarks which proved embarrassing to the Attorney General and led to a deterioration in our working relationship. The defendant was sentenced to an eighteen month term of imprisonment.

Commonwealth v. Connor - This was a state prosecution against a notorious criminal figure for his alleged involvement in the double-murder of two young women who were killed because they had been witnesses to a prior murder. The investigation was conducted jointly by the F.B.I. and the Boston Police Department. As U.S. Attorney, I requested the Massachusetts Attorney General to appoint a Special Prosecutor in place of District Attorney Delahunt to prosecute the case. The reason for this action was that Connor was the District Attorney's informer and the investigative agencies believed that, because of this relationship, the District Attorney might not be vigorous in pressing the case. The Attorney General agreed with my request and appointed a Special Prosecutor to try the case. Connor was convicted at the first trial. The District Attorney and his First Assistant testified on Connor's behalf that he was not involved in the murders. I called on the Attorney General to investigate the District Attorney's role in the conduct of the double-murder investigation to determine what influence his relationship with Connor had on his lack than vigorous investigative efforts. The double-murder probe had been conducted in an atmosphere of intense mistrust between the F.B.I./Boston Police Department and the District Attorney's Office because Connor had allegedly been an accessory to the murder of a Boston Police Officer and the Boston Police Department felt the District Attorney had been protecting his informer. This animosity pre-dated my becoming U.S. Attorney. It should be noted that Mr. Delinsky testified on behalf of Connor.

I had a close working relationship with former District Attorneys Byrne and Droney (as well as their Assistant District Attorney and Sen Senator Barry) and current District Attorneys Flanagan, Ryan, Coats, and Bellifax. (Flanagan, Byrne, and Ryan have contacted the Senate Judiciary Committee on my behalf, as have former and current Massachusetts State Police officials Keogh and Condon.) Current District Attorney Marshburger was not in office when I served as U.S. Attorney, but when I left office, he, as Chairman of the Ethics Commission, wrote me a note lauding my accomplishments. He also told me personally that I was his model as a prosecutor.





Sheridan, Gorsham & Lawrence

Senator Joseph R. Biden, Jr.
Page 3

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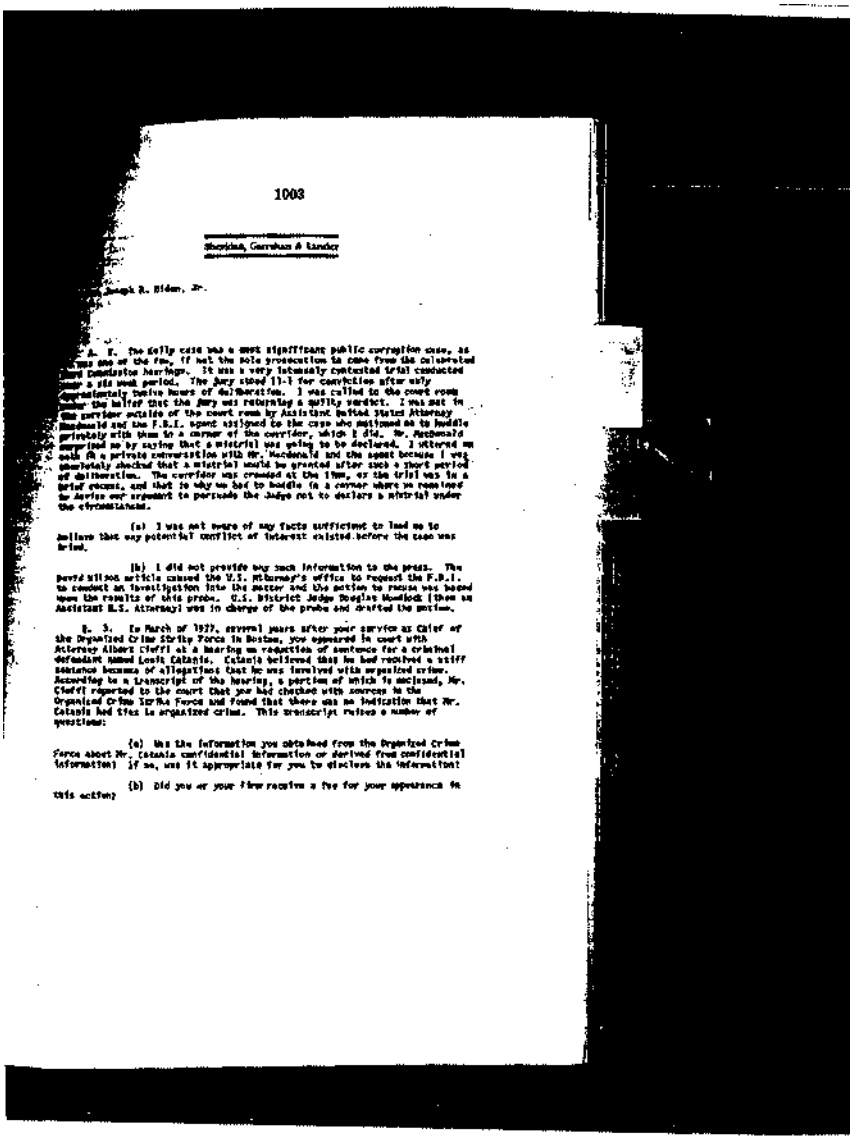



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Joseph R. Biden, Jr.

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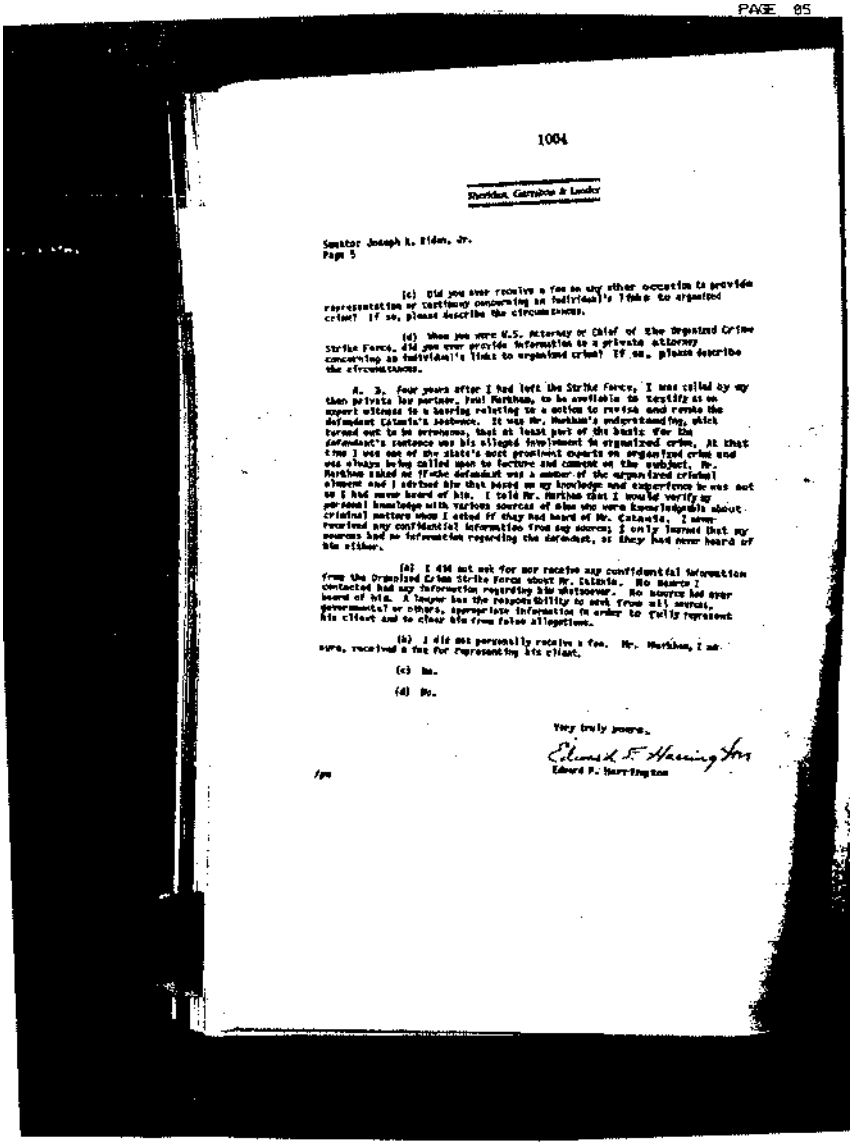



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Senator Joseph R. Biden, Jr.
Page 5

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Edward P. Harrington

/pm

1005

January 29, 1988

Senator Joseph R. Biden, Jr.
Chairman
Committee on the Judiciary
Washington, D. C. 20510-6275

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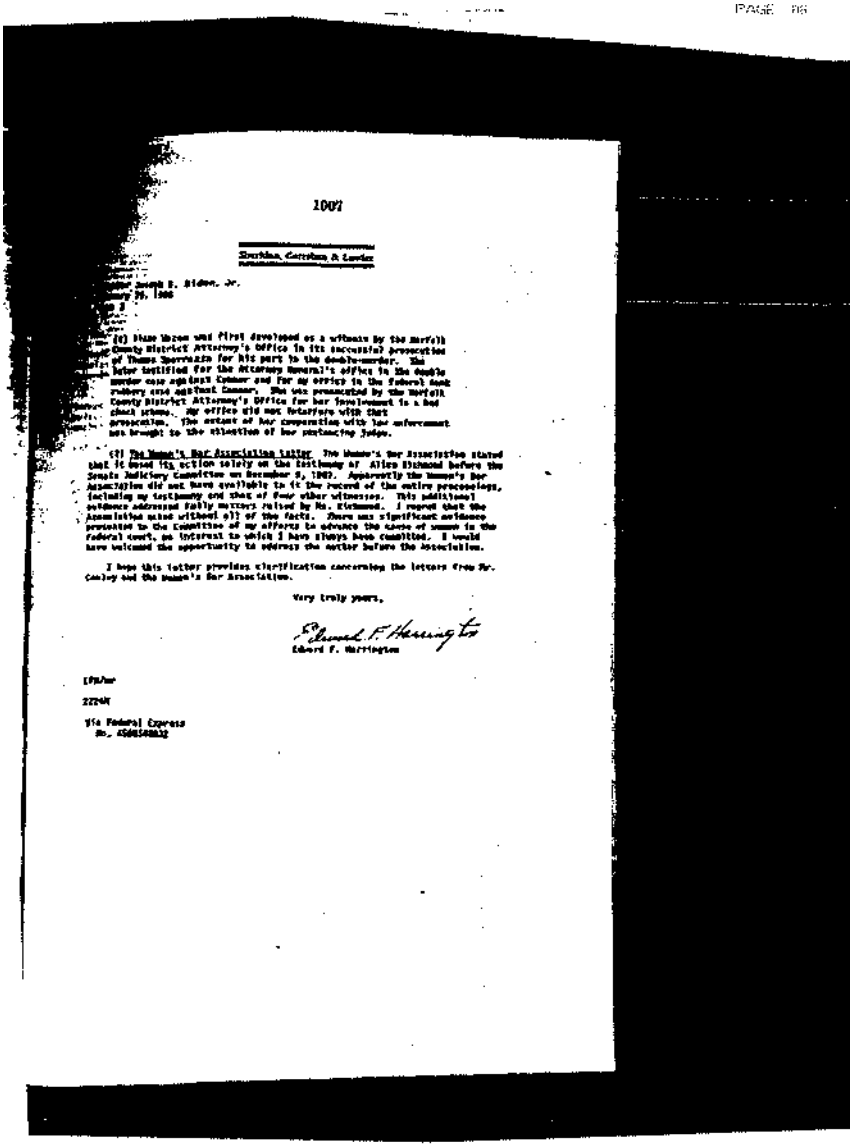
Mr. Conley's letter refers to three specific protected witnesses:

(a) Joseph (Barron) Barboza was the first of the major accomplice witnesses developed in this part of the country. He was the chief government witness in the successful prosecution of the syndicate leader Raymond L. Patriarca in 1968. His successful protection inspired the decision of other major accomplice witnesses to cooperate with the federal government, including Vincent I. Teresa and John J. "Red" Kelley, whose testimony had significant impact on the organized underworld in the late 60's and early 70's. Barboza's protection detail served as the prototype upon which the witness protection Program was established when it came into being in 1970. After Barboza completed his testimony and was released from the Program, having been relocated and provided with a new identity, he committed a homicide. Under authorization of the Justice Department, two F. B. I. agents and I provided the California Court with information relating to Barboza's cooperation with federal authorities. His punishment in the homicide case was determined by the California Court. When Barboza was released from prison after serving his sentence he was murdered gangland-style in retaliation for his testimony against organized crime.

(b) Thomas Sperrazza and Elena Wasco were associates of Myles Connor and were key witnesses in the double-murder and bank robbery cases. Sperrazza received a new identity while he was in the witness protection program. No promise was ever made to him that he would be released from prison in exchange for his cooperation. He still remains in prison serving a life sentence.



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Sheridan, Carrehan & Lawler

[illegible] Joseph R. Biden, Jr.
[illegible] 29, 1986
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(c) Diane Wazen was first developed as a witness by the Norfolk County District Attorney's Office in its successful prosecution of Thomas Sperrazza for his part in the double-murder. She later testified for the Attorney General's office in the double murder case against Conner and for my office in the federal bank robbery case against Conner. She was prosecuted by the Norfolk County District Attorney's Office for her involvement in a bad check scheme. My office did not interfere with that prosecution. The extent of her cooperation with law enforcement was brought to the attention of her sentencing judge.

(d) The Women's Bar Association letter. The Women's Bar Association stated that it based its action solely on the testimony of Alice Richmond before the Senate Judiciary Committee on December 5, 1987. Apparently the Women's Bar Association did not have available to it the record of the entire proceedings, including my testimony and that of four other witnesses. This additional evidence addressed fully matters raised by Mrs. Richmond. I regret that the Association acted without all of the facts. There was significant evidence presented to the Committee of my efforts to advance the cause of women in the federal court, an interest to which I have always been committed. I would have welcomed the opportunity to address the matter before the Association.

I hope this letter provides clarification concerning the letters from Mr. Conley and the Women's Bar Association.

Very truly yours,

Edward F. Harrington

Edward F. Harrington

EFH/mr

2224K

Via Federal Express
No. [illegible]

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Wednesday, July 22, 1998

METRO/REGION

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Shelly Murphy, Globe Staff

WED

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Instead, the FBI did nothing, sending a powerful message to two of the region's most ruthless organized crime figures: As long as you're with us, we won't bother you.

As a result, Bulger and Flemmi became sanctioned career criminals while spying on the underworld for the FBI. Despite solid evidence indicating Bulger and Flemmi were involved in murders, shakedowns, and drug dealing, the FBI looked the other way throughout the 1970s and 1980s.

It made no difference who the victims were, fellow wise guys or innocent people. And it didn't matter if the victims were willing to cooperate with the FBI or were scared silent. In some cases, the bureau even helped the gangsters by leaking information to them about ongoing investigations.

Recent court testimony shows the deflected cases ranged from the momentous to the mundane, but the consistent thread running through most of them is the involvement of Bulger's handler, former FBI agent

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Although there is evidence that Connolly protected Bulger and Flemmi, he was not alone. Supervisors and fellow agents often were swayed by hisclaim there was insufficient evidence to target the pair or that they were too valuable to the FBI.

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But the record now shows that the deal -- protection for information -- left the bureau shortchanged, co-opted, and compromised.

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It was an improbable convergence of characters that put two of the region's top prosecutors under the same roof in Dedham with three gangsters while the hoodlums were extorting the owner of the establishment across the room.

In late 1976, then-Norfolk County District Attorney William Delahunt had just ordered dinner at the Back Side Restaurant and was awaiting the arrival of Martin Boudreau, a law school classmate and federal prosecutor, when he looked up to see another old acquaintance approaching his table.

. It was Johnny Martorano, a well-known gangster who had attended grammar school with Delahunt in Quincy. Martorano and two other men had just entered the restaurant. While his companions moved to a cocktail table near the bar, Martorano chatted with Delahunt about the different paths they had taken since their school days, joking that there was more honor in his world than among bankers and lawyers. Flemmi joined the conversation briefly.

After Delahunt went back to his meal and was joined by Boudreau, the number-two prosecutor in the Federal Organized Crime Strike Force, the restaurant owner was summoned to sit with Bulger, Flemmi, and Martorano to talk about a serious arrearage of $175,000. According to later investigative reports, it was Bulger who delivered the pay-or-die ultimatum.

A few weeks later, Delahunt learned what really had brought his old schoolmate to Dedham. Delahunt said Edward Harrington, former chief of the New England Organized Crime Strike Force, called to tell him that Bulger and his friends had threatened Green, the restaurant owner, over an unpaid loan. And he said Green feared Martorano had connections to Delahunt after seeing them banter that night.

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After reassuring Harrington he had no ties to Martorano, Delahunt said prosecutors assigned to his office interviewed Green and later turned the case file over to the FBI. Green, who declined to be interviewed by the Globe, is quoted in investigative reports as saying Bulger and Flemmi threatened to kill him if he didn't repay a loan from a Boston credit union.

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Months after turning the Green case over to the FBI, Delahunt, now a Massachusetts congressman, said he asked Jeremiah T. O'Sullivan, chief of the New England Organized Crime Strike Force, what became of the investigation and was told: "It just didn't work out." O'Sullivan's lawyer, Hugh Scott, declined comment on the incident, saying it would be inappropriate because of the ongoing federal hearings.

Harrington, now a federal judge, was working as a lawyer for a private law firm in Boston when Green reported his threatening encounter with Bulger and Flemmi in 1976. The following year, Harrington became US Attorney for Massachusetts, a job he held when his public corruption squad used Green to make a case against the Boston official.

Today, when asked about his role in the Green case and why it never led to charges against Bulger or Flemmi, Harrington said, "In view of the fact that I am a federal judge and wish not to be involved in a proceeding before another federal judge, I decline to comment on the matter." BULGER IMPLICATED, MOBSTER KILLED

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Brian Halloran was a dead man. And the FBI knew it.

Just a few days before Halloran was gunned down along the Boston waterfront, an FBI official whispered to then-US Attorney William F. Weld, "I would not want to be standing next to this guy."

In fact, the FBI's decision to deny Halloran entry into its witness protection program may have cost Halloran his life.

Halloran was awaiting trial for the murder of a drug dealer in January 1982 when he walked into the FBI's Boston office and announced he wanted to cooperate against Bulger and Flemmi because he feared they were trying to kill him.

He offered to "go all the way" against the two, but wanted immunity from prosecution and protection for himself and his family, according to the FBI report. A member of the Winter Hill gang who had frequent dealings with Bulger and Flemmi, Halloran told a tale of murder and mayhem.

For openers, he described how he dropped off South Boston bookmaker Louis Litif at Triple O's tavern on April 12, 1980, for an after-hours meeting with Bulger. Moments later, Halloran said, he watched as Bulger and an associate lugged Litif's plastic-wrapped body out the back door of the South Boston bar and dumped it into the trunk of Litif's new Lincoln. The car and the body were later found in the South End.

Then Halloran moved on to another bloody murder scene, this one in Oklahoma. He claimed he could help solve the shooting death of millionaire Roger Wheeler, the Telex Corp. chairman who was shot to death on May 27, 1981, outside an exclusive Tulsa country club.

Wheeler had bought World Jai Alai (WJA) three years earlier and suspected Somerville's Winter Hill gang of skimming profits from the company's operation in Connecticut.

Halloran claimed that his friend, John Callahan, former president of WJA, summoned him to a meeting with Bulger and Flemmi in January 1981 at Callahan's Boston waterfront apartment.

Halloran said Callahan asked him to murder Wheeler, who suspected that employees who remained loyal to Callahan were doing the skimming. Later, Halloran said, Callahan told him he wasn't needed and the murder was carried out by Bulger, Flemmi, and John Martorano.

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Despite the significance of Halloran's account, authorities in Oklahoma say the FBI in Boston never shared it with them.

Instead, FBI agent Morris said he passed along word to Connolly that Halloran was cooperating with another squad in the FBI against his two prized informants.

Morris testified that Connolly then told Bulger and Flemmi that Halloran had implicated them in Wheeler's murder, prompting Connolly to file an informant report from Bulger arguing that "there was no way that they would have been involved with Halloran in connection with anything, let alone murder."

Ultimately, the FBI, along with Strike Force Chief O'Sullivan, concluded that Halloran was unreliable and turned him away from an FBI safe house on Cape Cod.

Weeks later, on May 11, 1982, Halloran was gunned down as he left a bar on Northern Avenue in South Boston. Callahan, being sought for questioning as a potential witness in the Halloran and Wheeler slayings, was found murdered three months later in Miami.

In a recent interview, Connolly said he "absolutely never" told Bulger and Flemmi that Halloran had turned FBI informant against them before he was killed. Connolly said he filed reports before Halloran's death noting that Bulger claimed the Mafia was going to kill Halloran.

The fallout from the investigation spread within the FBI, as agents in Oklahoma City and Miami accused the Boston office of stonewalling about Wheeler and Halloran.

The distrust spilled over into the Boston office, as the agent assigned to the Wheeler case accused Connolly of "rifling" his file and leaking information to Bulger and Flemmi that would help them establish alibis. Connolly vehemently denies the charge.

At first, Connolly refused to call in Bulger and Flemmi to have them photographed so investigators in Oklahoma could show their pictures to potential witnesses. According to recent testimony by James Ring, who was then supervisor of the organized-crime squad, Connolly became "defensive" about the photo request, arguing that Bulger and Flemmi had proclaimed their innocence. Connolly relented only after Ring threatened to drop Bulger and Flemmi as informants.

Still, the FBI didn't force Bulger and Flemmi to take polygraph examinations after they refused. In contrast, Halloran was dropped as an informant when he refused to take the lie detector test.

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"For a long time we thought, it's just pure incompetence," said Wheeler's son, David, who now believes the FBI has obstructed the investigation into his father's murder. "But I never dreamed it was as extensive as it is." WHITEY AND STEVIE GO SHOPPING

It was Christmas time 1983 and Whitey Bulger and Stevie Flemmi were out shopping. They were cruising around South Boston when they saw something they wanted: a newly renovated liquor store on the site of what had until recently been an abandoned gas station.

It meant nothing to Bulger and Flemmi that Stephen and Julie Rakes didn't want to sell Stippo's Liquor Mart on Old Colony Avenue.

During a menacing visit to the Rakes's South Boston home during the first week of the new year, Bulger and Flemmi handed Stephen Rakes a bag stuffed with $67,000 cash and announced they were buying the liquor store, according to testimony.

"We don't want to sell it," said Rakes, who was home with his two young daughters while his wife was working at the store.

Flemmi allegedly sat down at the kitchen table, pulled one of Rakes's blond-haired daughters onto his lap, and set a gun on the table in front of her. The curious toddler picked up the gun and playfully sucked on the handle, according to federal grand jury testimony revealed in court.

"It would be a shame not to see your children grow up," Bulger allegedly said.

A horrified Rakes called his wife at the store and told her to pack up all their belongings and come home.

Within days, then-Boston Police Detective Joseph Lundbohm said he went to Connolly on behalf of his niece, Julie Rakes, unaware that Bulger and Flemmi were informants and Connolly was their handler.

Connolly said he took no action to stop the hostile takeover by Bulger and Flemmi because the couple "did not want to get wired up and they did not want to be witnesses. How do you make a case like that?"

It was a chilling lesson for the Rakeses, who discovered a few days later that Bulger knew they had complained to the FBI.

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"Whitey said to back off," Stephen Rakes told Lundbohm, who said he suspected Connolly tipped Bulger about their meeting. In a Globe interview, Connolly denied leaking the information.

Connolly said he couldn't recall whether he reported the incident to his supervisor, but federal prosecutors said a search of FBI files failed to uncover any paperwork on it. It appears Connolly made a unilateral decision to neither investigate the extortion nor pass it along to a supervisor.

The store was sold to Bulger's friend, Kevin Weeks -- at least on paper -- without a hitch and was renamed the South Boston Liquor Mart. It immediately became a new hangout for Bulger and Flemmi.

Soon, the FBI was patronizing Bulger's store. A 1990 raid of the Liquor Mart by the Drug Enforcement Administration, the Suffolk County Organized Crime Squad, and the INS uncovered a receipt indicating the FBI bought liquor at discount prices to give away at its annual Christmas party months earlier.

The receipt indicated that the liquor was purchased by agent Dick Baker, the party organizer. And a separate piece of notebook paper indicated who the agent was: "Dick Baker (friend of John Connolly)." Connolly does not deny the FBI bought liquor at the store but says the piece of paper with his name on it was planted. NO FBI FOLLOWUP TO EXTORTION

Years after Louis Litif was allegedly murdered in Triple O's, Bulger and his friends summoned an unsuspecting businessman to a meeting in the Broadway tavern, according to court documents and recent testimony.

"Someone hired me to kill you," Bulger told South Boston realtor Raymond Slinger, after calling him to a meeting in an upstairs apartment in the late 1980s.

Bulger, accompanied by his friends Kevin Weeks and Kevin O'Neil, said he was willing to spare Slinger's life in exchange for cold cash. But, when Slinger had the audacity to arrive at a follow-up meeting with the trio packing a gun, he was beaten and kicked as an enraged Bulger ordered his friends to "go downstairs and get a body bag."

After Bulger's demand increased to $50,000, Slinger reported the extortion to the FBI. Agent John Newton testified that the FBI had "a great case" against Bulger because Slinger was willing to wear a wire and testify.

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Still, the FBI took no action.

Days later, O'Neil told Slinger that he'd only have to pay $25,000, but "there wasn't going to be any FBI investigation," according to testimony in the federal court hearings.

Newton's supervisor, Bruce Ellavsky, testified that the FBI dropped the case because the extortion stopped and Slinger no longer wanted to go forward.

Yet, Ellavsky couldn't explain why there were noFBI reports on the incident. There was no mystery about why Bulger and Flemmi never got caught up in an FBI investigation in the late 1980s of a Roxbury hookie who was paying them "rent" and dealing extensively with them. The pair were warned to stay away by agent John Morris because a wiretap was going into John Baharoian's office.

Morris, who had taken three bribes from Bulger, was concerned that the pair could give him up if they were caught and indicted.

But he also testified he was tired of the hold Bulger and Flemmi had on him and the relentless expansion of their criminal network. And he wanted no more blood on his hands. Leave Baharoian alone, the former organized-crime supervisor told them. "I don't want any more Hallorans."

---- INDEX REFERENCES ----

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He offered to "go all the way" against the two, but wanted immunity from prosecution and protection for himself and his family, according to the FBI report. A member of the Winter Hill gang who had frequent dealings with Bulger and Flemmi, Halloran told a tale of murder and mayhem.

For openers, he described how he dropped off South Boston bookmaker Louis Litif at Triple O's tavern on April 12, 1980, for an after-hours meeting with Bulger. Moments later, Halloran said, he watched as Bulger and an associate lugged Litif's plastic-wrapped body out the back door of the South Boston bar and dumped it into the trunk of Litif's new Lincoln. The car and the body were later found in the South End.

Then Halloran moved on to another bloody murder scene, this one in Oklahoma. He claimed he could help solve the shooting death of millionaire Roger Wheeler, the Telex Corp. chairman who was shot to death on May 27, 1981, outside an exclusive Tulsa country club.

Wheeler had bought World Jai Alai (WJA) three years earlier and suspected Somerville's Winter Hill gang of skimming profits from the company's operation in Connecticut.

Halloran claimed that his friend, John Callahan, former president of WJA, summoned him to a meeting with Bulger and Flemmi in January 1981 at Callahan's Boston waterfront apartment.

Halloran said Callahan asked him to murder Wheeler, who suspected that employees who remained loyal to Callahan were doing the skimming. Later, Halloran said, Callahan told him he wasn't needed and the murder was carried out by Bulger, Flemmi, and John Martorano.

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Despite the significance of Halloran's account, authorities in Oklahoma say the FBI in Boston never shared it with them.

Instead, FBI agent Morris said he passed along word to Connolly that Halloran was cooperating with another squad in the FBI against his two prized informants.

Morris testified that Connolly then told Bulger and Flemmi that Halloran had implicated them in Wheeler's murder, prompting Connolly to file an informant report from Bulger arguing that "there was no way that they would have been involved with Halloran in connection with anything, let alone murder."

Ultimately, the FBI, along with Strike Force Chief O'Sullivan, concluded that Halloran was unreliable and turned him away from an FBI safe house on Cape Cod.

Weeks later, on May 11, 1982, Halloran was gunned down as he left a bar on Northern Avenue in South Boston. Callahan, being sought for questioning as a potential witness in the Halloran and Wheeler slayings, was found murdered three months later in Miami.

In a recent interview, Connolly said he "absolutely never" told Bulger and Flemmi that Halloran had turned FBI informant against them before he was killed. Connolly said he filed reports before Halloran's death noting that Bulger claimed the Mafia was going to kill Halloran.

The fallout from the investigation spread within the FBI, as agents in Oklahoma City and Miami accused the Boston office of stonewalling about Wheeler and Halloran.

The distrust spilled over into the Boston office, as the agent assigned to the Wheeler case accused Connolly of "rifling" his file and leaking information to Bulger and Flemmi that would help them establish alibis. Connolly vehemently denies the charge.

At first, Connolly refused to call in Bulger and Flemmi to have them photographed so investigators in Oklahoma could show their pictures to potential witnesses. According to recent testimony by James Ring, who was then supervisor of the organized-crime squad, Connolly became "defensive" about the photo request, arguing that Bulger and Flemmi had proclaimed their innocence. Connolly relented only after Ring threatened to drop Bulger and Flemmi as informants.

Still, the FBI didn't force Bulger and Flemmi to take polygraph examinations after they refused. In contrast, Halloran was dropped as an informant when he refused to take the lie detector test.

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"For a long time we thought, it's just pure incompetence," said Wheeler's son, David, who now believes the FBI has obstructed the investigation into his father's murder. "But I never dreamed it was as extensive as it is." WHITEY AND STEVIE GO SHOPPING

It was Christmas time 1983 and Whitey Bulger and Stevie Flemmi were out shopping. They were cruising around South Boston when they saw something they wanted: a newly renovated liquor store on the site of what had until recently been an abandoned gas station.

It meant nothing to Bulger and Flemmi that Stephen and Julie Rakes didn't want to sell Stippo's Liquor Mart on Old Colony Avenue.

During a menacing visit to the Rakes's South Boston home during the first week of the new year, Bulger and Flemmi handed Stephen Rakes a bag stuffed with $67,000 cash and announced they were buying the liquor store, according to testimony.

"We don't want to sell it," said Rakes, who was home with his two young daughters while his wife was working at the store.

Flemmi allegedly sat down at the kitchen table, pulled one of Rakes's blond-haired daughters onto his lap, and set a gun on the table in front of her. The curious toddler picked up the gun and playfully sucked on the handle, according to federal grand jury testimony revealed in court.

"It would be a shame not to see your children grow up," Bulger allegedly said.

A horrified Rakes called his wife at the store and told her to pack up all their belongings and come home.

Within days, then-Boston Police Detective Joseph Lundbohm said he went to Connolly on behalf of his niece, Julie Rakes, unaware that Bulger and Flemmi were informants and Connolly was their handler.

Connolly said he took no action to stop the hostile takeover by Bulger and Flemmi because the couple "did not want to get wired up and they did not want to be witnesses. How do you make a case like that?"

It was a chilling lesson for the Rakeses, who discovered a few days later that Bulger knew they had complained to the FBI.

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"Whitey said to back off," Stephen Rakes told Lundbohm, who said he suspected Connolly tipped Bulger about their meeting. In a Globe interview, Connolly denied leaking the information.

Connolly said he couldn't recall whether he reported the incident to his supervisor, but federal prosecutors said a search of FBI files failed to uncover any paperwork on it. It appears Connolly made a unilateral decision to neither investigate the extortion nor pass it along to a supervisor.

The store was sold to Bulger's friend, Kevin Weeks -- at least on paper -- without a hitch and was renamed the South Boston Liquor Mart. It immediately became a new hangout for Bulger and Flemmi.

Soon, the FBI was patronizing Bulger's store. A 1990 raid of the Liquor Mart by the Drug Enforcement Administration, the Suffolk County Organized Crime Squad, and the IRS uncovered a receipt indicating the FBI bought liquor at discount prices to give away at its annual Christmas party months earlier.

The receipt indicated that the liquor was purchased by agent Dick Baker, the party organizer. And a separate piece of notebook paper indicated who the agent was: "Dick Baker (friend of John Connolly)." Connolly does not deny the FBI bought liquor at the store but says the piece of paper with his name on it was planted. NO FBI FOLLOWUP TO EXTORTION

Years after Louis Litif was allegedly murdered in Triple O's, Bulger and his friends summoned an unsuspecting businessman to a meeting in the Broadway tavern, according to court documents and recent testimony.

"Someone hired me to kill you," Bulger told South Boston realtor Raymond Slinger, after calling him to a meeting in an upstairs apartment in the late 1980s.

Bulger, accompanied by his friends Kevin Weeks and Kevin O'Neil, said he was willing to spare Slinger's life in exchange for cold cash. But, when Slinger had the audacity to arrive at a follow-up meeting with the trio packing a gun, he was beaten and kicked as an enraged Bulger ordered his friends to "go downstairs and get a body bag."

After Bulger's demand increased to $50,000, Slinger reported the extortion to the FBI. Agent John Newton testified that the FBI had "a great case" against Bulger because Slinger was willing to wear a wire and testify.

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Still, the FBI took no action.

Days later, O'Neil told Slinger that he'd only have to pay $25,000, but "there wasn't going to be any FBI investigation," according to testimony in the federal court hearings.

Newton's supervisor, Bruce Ellavsky, testified that the FBI dropped the case because the extortion stopped and Slinger no longer wanted to go forward.

Yet, Ellavsky couldn't explain why there were noFBI reports on the incident. There was no mystery about why Bulger and Flemmi never got caught up in an FBI investigation in the late 1980s of a Roxbury bookie who was paying them "rent" and dealing extensively with them. The pair were warned to stay away by agent John Morris because a wiretap was going into John Baharoian's office.

Morris, who had taken three bribes from Bulger, was concerned that the pair could give him up if they were caught and indicted.

But he also testified he was tired of the hold Bulger and Flemmi had on him and the relentless expansion of their criminal network. And he wanted no more blood on his hands. Leave Baharoian alone, the former organized-crime supervisor told them. "I don't want any more Hallorans."

---- INDEX REFERENCES ----

KEY WORDS: BOSTON; ORGANIZED CRIME; NAME-BULGER; SPOTLIGHT; SERIES; NAME-FLEMMI

NEWS SUBJECT: Local/Regional Section (LCR)

EDITION: CITY EDITION

Word Count: 3145

7/22/98 BOSTONG A1

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8/13/95 Boston Herald 013
1995 WL 5678282

Boston Herald
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Sunday, August 13, 1995

NEWS

# Alleged Mob boss left behind bloody trail

JULES CRITTENDEN and RALPH RANALLI

Francis "Cadillac Frank" Salemme's meek surrender to FBI agents who caught him in his pajamas is almost anti-climactic in a career that began with a violent explosion, was tempered in prison and has been liberally peppered with bullets.

Salemme, who was raised in Jamaica Plain but moved out to Sharon, earned his nickname for his love of luxury rides.

He is known as a clean man, a fitness fanatic who at 61 is in better shape than most 25-year-olds.

But his professional resume, detailing his alleged climb to the leadership of the New England Mob, is smeared with blood.

In January 1968, Everett attorney John J. Fitzgerald lost his leg when a bomb planted in his car exploded. Fitzgerald reportedly had refused to succumb to Mob pressure to influence his client, former hitman-turned-informant Joseph Barboza Baron not to testify.

Salemme, considered an up-and-coming Mafia associate, was indicted in the bombing in 1969 - and is believed to have racked up big points for the hit. He ran, but was nabbed by the FBI walking down a New York street in 1972.

He also was charged in the 1967 murder of William "Billy" Bennett, one of the infamous Bennett brothers of the Boston Irish Mafia.

Salemme was found guilty of the Fitzgerald bombing and given 30 years, largely on the testimony of government witness **Robert Daddieco**. But the Bennett murder charge was dropped when Daddieco disappeared.

Salemme served hard time until 1988, keeping his mouth shut and earning the respect of mob leaders. On his release, he was "made" or initiated into the Mafia, reportedly achieving the rank of capo regime, or underboss, in the Patriarca family.



In 1989, a rival faction jockeying for power targeted Salemme, ambushing him in a bold, daylight hit outside the International House of Pancakes on Route 1 in Saugus. Shot in the chest, he was hit again in the leg as he ducked into a Papa Gino's.

The New England mob began to collapse after the embarassing 1989 FBI taping of a Mafia induction in Medford, followed by a key Patriarca family member's betrayal in 1991. Salemme, possibly smelling a rat, stayed away from the bugged ceremony.

In 1992, "Junior" Patriarca and several of Salemme's rivals pleaded guilty to federal charges, paving the way for Salemme's rise to the top.

Although Salemme, in partnership with Southie crime boss James "Whitey" Bulger, is said to have united the Italian and Irish Mobs, he has presided over a crime family plagued by infighting, betrayal and unsanctioned hits.

Then Salemme himself was taped by the FBI bragging of his feats and his underworld connections. He also was hurt when bookmaker Burton "Chico" Krantz of Newton, under indictment, flipped and told investigators that he paid "rent" to Salemme.

Salemme evaded the feds when he was indicted in January and dropped out of sight for seven months - even avoiding his own son's funeral.

"Cadillac Frank" was last seen driving off in a white Lexus with dealer plates.

---- INDEX REFERENCES ----

EDITION: 01

Word Count: 498
8/13/95 BOSTONH 013
END OF DOCUMENT

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Massachusetts, CONNOLLY did corruptly to endeavor to influence, obstruct, and impede the due administration of justice in a federal grand jury sitting in the Northern District of Oklahoma and investigating the murder of Roger Wheeler, by providing confidential law enforcement information to Bulger and Flemmi which alerted them to the identity of a witness who was being sought to testify in the Wheeler homicide investigation, in order to prevent the witness's cooperation and testimony, in violation of Title 18, United States Code, Section 1503.

58. Acting in response to CONNOLLY'S information, Bulger and Flemmi caused John Callahan to be murdered in Fort Lauderdale, Florida on or about August 1, 1982, in order to prevent his cooperating with law enforcement authorities and to prevent him from being able to provide testimony in the Wheeler homicide investigation.

**Racketeering Act #9B**

59. Paragraphs 55 through 56 and paragraph 58 of Racketeering Act #9A are realleged in this Racketeering Act and are incorporated by reference as if fully set forth.

60. In or about June 1982, the exact date being unknown, in the District of Massachusetts, CONNOLLY did wilfully endeavor by means of intimidation and force and threats thereof to obstruct, delay, and prevent the communication of information by John Callahan to a criminal investigator relating to a violation of a criminal statute of the United States, by providing confidential law enforcement information to Bulger and Flemmi which alerted them that Callahan was sought as a witness in the Wheeler homicide investigation, in violation of Title 18, United States Code, Section 1510 (later recodified at Section 1512) and 2.

**Racketeering Act #10**

61. In or about June 1988, Supervisory Special Agent John Morris learned that other



000174

EXHIBIT
820

agents of the FBI who were working with the Organized Crime Strike Force of the Department of Justice had obtained court authorization to conduct a wiretap of telephones used by a person known to the Grand Jury to conduct illegal gambling activity.

62. This wiretap authorization was obtained in conjunction with an ongoing Grand Jury investigation in the District of Massachusetts.

63. In keeping with the understanding among Morris, Bulger, Flemmi, and CONNOLLY, Morris informed CONNOLLY of the wiretap authorization.

64. Also in keeping with that understanding, and because the individual known to the Grand Jury was suspected of paying extortion payments, commonly referred to as "rent," to Bulger and Flemmi in order to be able to continue to conduct his illegal gambling operation, CONNOLLY arranged a meeting among Morris, Bulger, Flemmi and Connolly so that Morris could directly advise them of the wiretap.

65. Shortly thereafter, at a meeting arranged by CONNOLLY, Morris did inform Bulger and Flemmi of the wiretap authorization and investigation.

66. In or about June 1988, in the District of Massachusetts, CONNOLLY did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice before a federal Grand Jury in the District of Massachusetts, by providing confidential law enforcement information to Bulger and Flemmi which alerted them that a federal wiretap had been authorized in conjunction with a Grand Jury investigation into the activities of a person known to the Grand Jury, in violation of Title 18, United States Code, Sections 1503 and 2.

The Commonwealth of Massachusetts
Executive Office of Human Services
Parole Board
Leverett Saltonstall Building, Government Center
100 Cambridge Street, Boston 02202

JOHN J. CURRAN, JR
Chairman
RUTH ANN JONES
Executive Director

August 8, 1988

Mr. James Ahearn
Special Agent in Charge
Federal Bureau of Investigation
J.F.K. Building
Government Center, Room 900
Boston, Massachusetts 02202

Re: Joseph Salvati

Dear Mr. Ahearn:

The Massachusetts Parole Board, in its capacity as the Advisory Board of Pardons, is presently considering a petition filed by Mr. Joseph Salvati for commutation of a life sentence imposed in the Suffolk Superior Court in 1968 for the offense of accessory to first degree murder.

I am writing to request you to update us as to any further information that your office might have relevant to consideration of this petition beyond that already provided on an earlier petition.

On behalf of the Board, I thank you in advance for your assistance.

Sincerely,

John J. Curran, Jr.
Chairman

Massachusetts Parole Board

JJC:es
CC: Board Members
Barbara Johnson
Antoinette Leoney, Assistant Legal Counsel to the Governor



VICTOR J. GARO
ATTORNEY-AT-LAW
[redacted]
MEDFORD, MASS. 02155
TELEPHONE [redacted]

RECEIVED
OCT 25 1988
EXECUTIVE SECRETARY

October 17, 1988

Ms. Louise Maloof
Executive Secretary
Governor's Council
Room 184
State House
Boston, Massachusetts 02133

Dear Ms. Maloof:

This letter is to advise that I represent Joseph L. Salvati, currently an inmate at M.C.I.-Norfolk.

Please find enclosed herein a Petition for Commutation of Sentence.

I have also sent via certified mail a letter to the Secretary of State's Office, pursuant to Chapter 127, Sections 166 and 167 of Mass. General Laws.

Respectfully,

VICTOR J. GARO, ESQUIRE

VJG/cmn
enclosure
Certified Mail RRR

EXHIBIT
823

GRANTING COMMUTATION HEARING

PETITIONER: Joseph L. Salvati

OFFENSE: Accessory before the fact to murder - 1st degree

SENTENCE: Life: 1st degree

EFFECTIVE DATE: 10-24-67

DATE PETITION RECEIVED: 10:27-88

---

✓ GRANT
____ DENY
____ DENY WITHOUT PREJUDICE

Mr. Albano
DATE: 3/14/89

COMMENTS: Years of Commutation and hearings etc. Then took some ex-debate. Granted hearings in the past; Board's error in 1986 apparently excluded certain any charges, but capable of any of the offenses

---

____ GRANT
____ DENY
____ DENY WITHOUT PREJUDICE

Mr. Burke
DATE: 3/14/89

COMMENTS: Co-defendant has been granted a hearing. Minimum prior ... Deputies considered ... Resident ... Board ... represented hearing ... years.

---

✓ GRANT
____ DENY
____ DENY WITHOUT PREJUDICE

Mr. Curran
DATE: 3/14/89

COMMENTS: I believe a hearing is warranted at this time. Subject has served ... life - first incarceration ... a long time ... I ... with ... for ... Victim

---

____ GRANT
✓ DENY
____ DENY WITHOUT PREJUDICE

Ms. Mosley
DATE: 3/14/89

COMMENTS: DENY WITHOUT PREJUDICE OFFICE TROUBLING ONE - RECENT INVOLVEMENT WITH PAROLEE UNDER SUPERVISION IS ALSO TROUBLING.

---

✓ GRANT
____ DENY
____ DENY WITHOUT PREJUDICE

Mr. Myers
DATE: 3/14/89

COMMENTS: Would recommend hearing

---

✓ GRANT
____ DENY
____ DENY WITHOUT PREJUDICE

Mr. Givens
DATE: 3/14/89

COMMENTS: Would grant hearing on the merits. Time served + ... that has ... Regarded to have been granted hearings

---

✓ GRANT
____ DENY
___ DENY WITHOUT PREJUDICE

Ms. Suhre
DATE: 3/14/89

COMMENTS: Feels a hearing is warranted. Parole Board ... Court ... Sentence ... as ... case

EXHIBIT
824

wsBank, inc. - The Boston Globe - 1989 - Article with Citation

eadline: BALLIRO AMONG SEVEN INDICTED

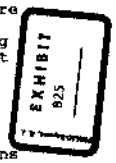
ate: THURSDAY March 30, 1989 Section: METRO
age: 1 Edition: THIRD
Length: MEDIUM

uthor: By Elizabeth Neuffer, Globe Staff

ndex Terms: US, COURT, TAXATION, FRAUD, NAME-BALLIRO, PROBE
NAME-CARUANA, NAME-HURLEY, NAME-NOTTAGE

ead:
even persons, including prominent Boston defense attorney Joseph J. alliro, have been indicted by a federal grand jury on charges of onspiring to conceal millions of dollars of a Mafia drug kingpin's rofits from the Internal Revenue Service in false companies established n the Bahamas, Panama and the United States. The 37-page indictment, anded down last Thursday and unsealed yesterday, also accuses Boston ttorney Edmund M. Hurley, Bahamian Parliament member Kendal W. Nottage, id reputed drug kingpin Salvatore Michael Caruana in the $5 million oney-laundering scheme.

ext:
urley, Caruana, and three others are also charged with multiple counts racketeering in the alleged creation of an criminal enterprise. nterim US Attorney Jeremiah T. O'Sullivan, announcing the indictment at news conference at US District Court in Boston yesterday, dismissed legations made last week that the indictment was a personal vendetta ainst Balliro, calling those accusations ''a figment of Mr. Balliro's agination.'' Balliro, who is Caruana's attorney, made the charge at a ws conference last week, where 30 Boston defense lawyers supported m. Balliro later accused O'Sullivan of impugning ''perfectly gitimate acts. ''What he had to say was smoke and mirrors,'' lliro said. ''I am going to get an independent review from a jury, and e satisfied that review will result in an acquittal.'' O'Sullivan id the indictment had been reviewed by a Justice Department official llowing a request by Balliro's attorneys for an independent osecutor, and that the official concluded there was no need for a ecial prosecutor. At a separate news conference late yesterday, lliro maintained his innocence and called the indictment a result of Sullivan's ''personal animus.'' Defense attorney Harry Manion pledged t the ''best and the brightest'' of Boston's defense bar would defend lliro. Also indicted in the alleged scheme yesterday were David Gorwitz; Charles R. Burnett, a Florida attorney; and Rubie M. tage, a Bahamian attorney. All except Gorwitz, who is at large, Caruana, a fugitive on the FBI's 15 Most Wanted List since 1984, are ected to be arraigned Tuesday in US District Court in Boston. ording to the indictment, Caruana earned $7,670,000 in unlawful drug ceeds between 1978 and 1981 and told Hurley, Gorwitz and others that anted to conceal those proceeds. They along with the Nottages, lliro and Burnett ''acted in concert'' to conceal the proceeds from IRS between 1978 and 1987, the indictment says. The indictment ises Balliro, Caruana, Hurley, and the others, excepting Kendal tage, of creating six false corporations in the Bahamas, four orations in Panama, a trust in the Bahamas and three US corporations onceal the drug profits. Caruana, Hurley, Gorwitz, Burnett,



Nottage and Balliro caused $2.5 million of the drug profits to be
istributed by four of the Bahamian dummy companies in the forms of
oans, the indictment alleges. Along with Kendal Nottage and Burnett,
hey distributed an additional $2.5 million through investments in
il and gas leases and the Islander Hotel in the Bahamas. The
8-count indictment charges Balliro with one count of conspiring to
defraud the IRS. But as part of that conspiracy, the indictment
ccuses Balliro of threatening co-investors in a hotel in the Bahamas in
980 to sell the hotel or ''certain investors might face physical harm
rom Salvatore M. Caruana and other members of La Cosa Nostra in New
ngland.'' Balliro is also accused of communicating with his client
ince Caruana became a fugitive and of signing false documents in his
ole as the treasurer of a Caruana front company. He is also accused of
ledging his share of a Bahamian hotel in return for a $125,000 loan
rom one of the dummy corporations. Hurley is charged with 91
ounts. He is accused of forming Bahamian, Panamanian and domestic front
orporations and arranging loans and investments for their repayment, as
ell as transporting large amounts of currency. Hurley's attorney,
lbert F. Cullen Jr., could not be reached for comment. But Hurley
enied any wrongdoing in a statement issued last week. Both
ottages are accused of lying to a 1984 Bahamian commission on Caruana's
ehalf and of defrauding the IRS. Rubie Nottage is also accused of
orming Bahamian and Panamanian dummy corporations. Kendall Nottage is
ccused, along with Caruana, of transporting $1 million in US currency
o the United States. The Nottages have previously proclaimed their
nocence and called the indictment a political move by the United
tates to smear the Bahamas as a drug laundering center. O'Sullivan
aid yesterday that a request has been made to extradite the Nottages.
e added that after Balliro's news conference last week, the indictment
eceived ''extra review.'' He stressed that the investigation had been
going for two years by a number of agencies, including the federal
rug Enforcement Agency. The prosecutor in charge of the case is
ssistant US Attorney Robert Ullmann.

aphic:
OTO

ption:
obe staff photo/Joanne Rathe / Joseph J. Balliro stands up after
nducting a news conference about his indictment yesterday.

pyright:
obe Newspaper Company 1989



Las Vegas Metropolitan Police Department
400 East Stewart Avenue
Las Vegas, Nevada 89101-2984
(702) 795-3111

LERRY KELLER, Sheriff

September 29, 1997

Tom Bezanson, Deputy U. S. Marshal
90 Devonshire Street, Room 1516
Boston, Massachusetts 02109

**In response, please reply to:**
Sergeant K. Manning
D. Hatch/Cold Case Review
Homicide Section
Reference: CCSO File # 184-468
Murder victim: Peter J. Poulos
Murder suspect: Stephen J. Flemmi
FBI # 401-425C
Murder suspect: Frances P. Salemme
FBI # 433-761F.
Murder warrant: Authority
Clark County/Las Vegas Justice Court
Crime of Murder. Warrant# 441-24A,
Issued 3-12-70. Warrant recalled March 1989
Without prejudice (Prosecution pending).

Dear Deputy Marshal Bezanson:

As per our telephone conversation of 9-24-97, this agency is presently reviewing homicide cases that have been listed as unsolved/unresolved. In reviewing the above murder case, these investigators determined a warrant was issued charging Stephen Flemmi and Frances Salemme with the murder of Peter J. Poulos. This murder occurred in Clark County, Nevada, as a result of an unrelated homicide occurring in Boston, Massachusetts. The deceased and these two suspects had been indicted by the State of Massachusetts charging them with the murder of William Bennett, this crime occurring in Boston, Massachusetts, on December 23, 1967.

As a result of our review of this case, it appears to be a prosecutable case and through a record search of Frances Patrick Salemme, it was discovered that he had been in custody in the Massachusetts Correctional System until 1988. Our records reveal that the Clark County District Attorney recalled this warrant in March of 1989; however, did not request dismissal of charges, merely recalling an active warrant.

EXHIBIT
826

*Partners with the Community*

Continuation of letter to Deputy Marshal Benzason
Dated: 9-29-97

We are attempting to determine through the present District Attorney if prosecution is feasible. If so, it is our intention to travel to your jurisdiction and attempt to interview both of these suspects.

Could you please provide a copy of this letter to these suspects' defense attorneys and advise them to contact this office concerning interview of their clients.

Sincerely,

JERRY KELLER, SHERIFF

By: Kevin Manning, Sergeant
(Dictated by D. Hatch)

97M0801 /JK:KM:DH:fr

*The Commonwealth of Massachusetts*

DISTRICT ATTORNEY OF SUFFOLK COUNTY
NEWMAN FLANAGAN

Organized Crime Division
55 Court Street
Third Floor
Boston, Massachusetts 02108
(617) 725-8750

June 7, 1989

Mr. James A. Ring
Supervisory Special Agent
Federal Bureau of Investigation
Room 900, John F. Kennedy Building
Boston, Massachusetts 02203

Dear Mr. Ring:

Attached is a letter received by this office from the Advisory Board of Pardons notifying us of a commutation hearing for Joseph SALVATI, aka "Joe the Horse", date of birth 10/30/32. As in the cases of Peter LIMONE and Louis GRECO, we are preparing a response concerning this petition for executive clemency.

I would appreciate 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, which could be diseminated to the Board. If you have any questions regarding this matter, please contact John Ford of this office at 725-8750. Your assistance in this matter is greatly appreciated.

Cordially and Sincerely Yours,

Leonard J. Henson, J.D.
Assistant District Attorney
Chief, Organized Crime Division

LJH/hc: 0847/102

Ford was advised that info previously submitted to Board of pardons - per SSA Ring
[illegible]

182A-102 1-21

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
JUN 12 1989
FBI - BOSTON

OCTS 16
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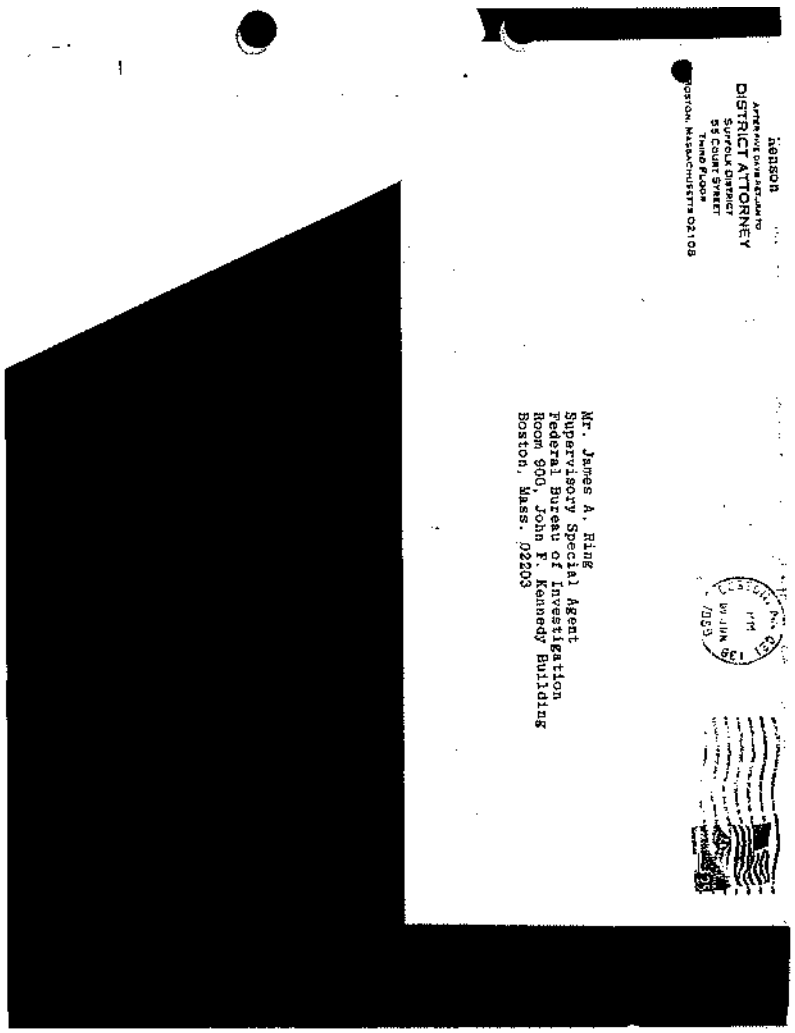
NE
E

EXHIBIT
828

no action required file closed


Kenson
DISTRICT ATTORNEY
Suffolk District
55 Court Street
Third Floor
Boston, Massachusetts 02108
Mr. James A. Ring
Supervisory Special Agent
Federal Bureau of Investigation
Room 900, John F. Kennedy Building
Boston, Mass. 02203

The Boston Globe
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Saturday, March 14, 1992

METRO/REGION

# US to seek longer term for Patriarca

Matthew Brelis, GLOBE STAFF

[A PUBLISHED CORRECTION HAS BEEN ADDED TO THIS STOR

Federal prosecutors plan to use the sworn admission of reputed mobster Vincent (The Animal) Ferrara at the upcoming sentencing hearing of Raymond J. (Junior) Patriarca, in an attempt to obtain a longer prison term for the reputed former boss of the New England Mafia family.

The prosecutors revealed the move in papers filed yesterday in US District Court.

"The government will introduce the sworn admission of Vincent Ferrara at his change of plea that he ordered the murder of Vincent James Limoli Jr., in aid of the racketeering enterprise that is alleged against Patriarca and Ferrara," says the government's proffer of evidence.

Prosecutors say they may call more than 30 witnesses and play 100 tape recordings, which could turn the hearing on April 6 into a lengthy proceeding. [CORRECTION-DATE: Tuesday, March 17, 1992: CORRECTION: Because of an editing error, a story in the Metro/Region section of Saturday's Globe on Raymond J. (Junior) Patriarca gave an incorrect date for a sentencing hearing. A conference in the case is scheduled for April 6.]

Patriarca pleaded guilty in December to racketeering, gambling and extortion charges. Under federal guidelines, Patriarca, based on his criminal record, would face six to seven years in prison for the crimes to which he pleaded guilty.

The government, however, will argue that Patriarca's "relevant conduct" as the reputed head of the Mafia in New England either knew, or should have foreseen, the 1985 murder of Limoli, the 1986 murder of Boston hotel executive Theodore Bems, Salvatore Michael Caruana's efforts to ship 77 tons of marijuana into Massachusetts and Maine between 1979 and 1981, and the planned murder of Ferrara.

If the government is successful, Patriarca could face 25 to 30 years in prison.




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But Patriarca's lawyer downplayed the effect of prosecutors' maneuvering.

"Despite 12 years of intensive investigation, the government continues to be unable to prove that Raymond Patriarca committed any violent crime or drug-related offense," said attorney Martin Weinberg.

"Despite a 24-page proffer, there simply exists no evidence that Patriarca authorized or committed any of the very serious crimes that the government is alleging, but has not proven."

In addition to Ferrara's statements, the government plans to have Walter Jordan, a former associate in the Patriarca family, testify "that he participated in the murder of Limoli on the orders of Vincent Ferrara."

Limoli was shot to death in the North End in what officials believe was retribution for stealing drug money. In his recent plea agreement, Ferrara was granted immunity for any role he might have had in Limoli's murder.

Prosecutors say Jack Johns will testify at Patriarca's sentencing hearing -- as he did in a trial of Patriarca associates in Hartford last summer -- that he helped Salvatore (Butch) D'Aquila, and Caruana, bury the body of Berns under a Connecticut garage.

Federal officials believe Berns was killed because Caruana suspected him of having an affair with the drug kingpin's wife.

The proffer says that John F. Castagna, who is described as a former proposed member of the Patriarca crime family, will testify that he met with Gaetano Milano, Joseph Russo, Ferrara and Robert Carrozza. At the meeting, he was told that the plan to murder Connecticut crime boss William Grasso "was precipitated, at least in part, by Grasso's intention, with the approval of Raymond J. Patriarca, to kill Ferrara," according to the government.

Grasso was murdered in 1989.

"These individuals told Castagna that Ferrara was believed to be an informant and that a letter existed which supported this belief," the government says in its proffer.

The plot to kill Ferrara was never carried out.

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Caruana jumped bail in 1984 before he was to stand trial on marijuana smuggling charges. A reputed soldier in the Patriarca family, he allegedly had the blessing of Patriarca's father, Raymond L.S. Patriarca, when he ran drugs.

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PHOTO;
CAPTION:VINCENT FERRARA
Testimony is seen as key

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Monday, June 19, 1989

METRO

# TWO SEEN AS LIKELY REPLACEMENTS FOR GRASSO AS LEADER IN MOB

Kevin Cullen, Globe Staff
Globe reporter Dick Lehr contributed to this story

Even before William Grasso is lowered into his grave, the big winners in the wake of his murder appear to be a pair of men whose leadership ability, affinity for fancy clothes and reputation for ruthlessness make them representatives of the Mafia's old guard.

Many investigators say they believe that Grasso's demise leaves Nicholas Bianco, 56, of Providence, and Joseph A. (J.R.) Russo, 57, of Boston, as the two mafiosi in the best position to rise to power in New England.

Both men were identified last year during congressional testimony by James F. Ahearn, the special agent in charge of the FBI in Boston, as capo regimes -- the leaders of small underworld fiefdoms -- in the Providence-based Patriarca crime family.

Essential to the potential ascension of both men, sources say, is the esteem in which they are held by some of the five New York Mafia families, whose leaders inevitably call the shots in the national makeup of La Cosa Nostra.

Many experts on the Mafia say that Grasso, who was found shot to death along a bank of the Connecticut River outside Hartford on Friday, would not have been killed without the authorization of the New York families. The FBI considered Grasso to be the second highest-ranking mafioso in New England, behind Raymond (Junior) Patriarca, though some believe Grasso was the real power while Patriarca serves mainly as titular head.

Both Russo and Bianco earned their underworld stripes by spending time in New York, some of it underground, or "on the mattress," as mobsters call it, after they allegedly participated in gangland slayings.

Russo, a sharp dresser and suave talker, is considered the Bobby Thompson of the Mafia, having been credited with hitting the biggest and most dramatic "home run" in recent mob history: the 1976 contract killing of Mafia enforcer-turned-government-witness Joseph (Barboza) Baron, who was gunned down by a carbine rifle in

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San Francisco.

Baron, who had been a legbreaker and hitman for the Mafia, though never a "baptized" member because of his Portuguese heritage, had turned against the mob after Boston gangsters killed two of his friends in a Commercial Street bar in 1966.

Baron's testimony led to the indictment and imprisonment of several high-ranking mobsters, including New England godfather Raymond L. S. Patriarca and then-underboss Gennaro J. (Jerry) Angiulo of Boston.

Because the integrity of "omerta," the Mafia's code of silence, was at stake, Baron's murder became a nationwide Mafia obsession. Russo would hold a place in La Cosa Nostra's unofficial hall of fame if, as alleged, he had coordinated Baron's murder.

In conversations overheard in 1981 by an FBI listening device, Boston Mafia capo regime Ilario M.A. Zannino and his henchmen sat in their North End gambling club and reminisced fondly about how "we clipped Barboza."

"Smart as a whip," Zannino said of Russo. "Stepped right out with a (expletive) carbine. I was with him every (expletive) day. Him and me discussed everything . . . he made snap decisions. And he accomplished the whole (expletive) pot, didn't he?"

Despite the FBI tapes, however, Russo never was charged with Baron's murder, apparently because investigators had no evidence to corroborate Zannino's hearsay conversation.

Following the Baron murder, sources say, Russo dropped out of sight and was believed to have been "on the mattress" in New York with other mafiosi. The FBI tapes recorded Zannino as saying Russo should come out of hiding so the Mafia could reward him with promotion to capo regime.

Shortly after reappearing, Russo disappeared again in 1980, when a subpoena was issued for his appearance before a San Francisco grand jury investigating Baron's murder. Russo then reappeared at his usual haunts in greater Boston for about six months before vanishing again in 1983.

In the summer of 1986, Russo again reappeared in Boston and immediately began acting the role of a leader, sources say. The FBI says he was promoted to capo regime shortly after.

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Russo can frequently be seen in Maverick Square in East Boston, in Chelsea, at Suffolk Downs and on Hanover Street in the North End where, sources say, he likes to take his capuccino at the Cafe Pompeii.

Bianco, long the right-hand man of the elder Patriarca in Providence, officially took a back seat to Junior Patriarca when the old godfather died in 1984.

But while the FBI says Junior Patriarca was named boss of the New England mob by The Commission, the Mafia's governing board, many mob experts think Bianco has continued to run the family's day-to-day operations.

Bianco grew up on Atwells Avenue in Providence, where a vending company office served as the elder Patriarca's headquarters for three decades, but was originally a "soldier" in the Colombo crime family in New York.

Sources say the elder Patriarca sent Bianco to New York in the 1960s to help settle a dispute within the Profaci crime family. After Bianco's New York sponsor was killed, and Bianco escaped an assassination attempt, he headed back to Providence in 1971, sources say.

In testimony before a Brooklyn grand jury in 1970, the transcripts of which were obtained by The Providence Journal, Bianco acknowledged his ties to some of the New York Mafia chieftains, like Carlo Gambino and Joseph Colombo.

When a prosecutor asked Bianco how he earned a living, Bianco offered some answers that gave some insight to the wiseguy way of life. The answers, however, were not enough to prevent Bianco from being indicted later on tax evasion charges.

Prosecutor: "Mr. Bianco, you tell this grand jury that you make your living primarily from the track. You don't work and you haven't been to the track since last season, which was 1969, at Aqueduct?"

Bianco: "Yes."

Prosecutor: "What do you do with your days? Like today, for instance? Yesterday? What did you do yesterday, if you don't go to the track? You haven't been there. What do you do with your time?"

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Bianco: "I don't know exactly what I do with my time."

When the elder Patriarca was jailed for nearly six years in the 1970s, it was Bianco and Joseph Patriarca, the imprisoned don's brother, who ran the New England family, sources say.

In 1975, Bianco ran into legal problems of his own. He received a four-year sentence for failing to report income while he lived in New York between 1967 and 1971. He was paroled in June 1978 and returned to Rhode Island, where he was hired as a paralegal assistant to Providence lawyer John F. Cicilline.

He is believed to have been Junior Patriarca's top aide ever since.

Some investigators were surprised when The Commission selected Junior Patriarca to succeed his father as New England boss. Some thought Grasso or Bianco were better suited. In the wake of Grasso's death, Bianco may now get his chance, some say.

Certainly, investigators say, Bianco has been around long enough to know what a bullet to the head, not to mention loyalty and patience, can accomplish.

When the elder Patriarca sent his soldier Bianco off to New York, according to FBI tapes from Patriarca's office, he reminded him of the significance of "this little thing of ours," which is the English translation of La Cosa Nostra:

"Remember," the old man told Bianco, "that you have thousands of people on your side. In this thing of ours, your love for your mother and father is one thing, your love for the family is a different kind of love."

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Caption: PHOTO

1. Providence Journal photo / Nicholas Bianco is shown leaving a Providence courthouse in 1985.

2. WCVB-TV photo / JOSEPH RUSSO / Linked to Baron slaying

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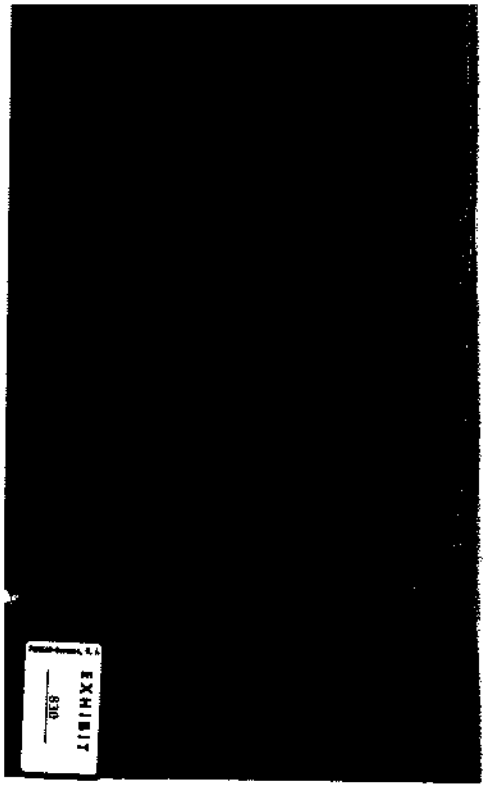


S. Hrg. 101-194 Pt. 2A

# REPORT OF THE SENATE IMPEACHMENT TRIAL COMMITTEE ON THE ARTICLES AGAINST JUDGE ALCEE L. HASTINGS

## HEARINGS

BEFORE THE

## SENATE IMPEACHMENT TRIAL COMMITTEE UNITED STATES SENATE

ONE HUNDRED FIRST SESSION

FIRST SESSION

ON

THE ARTICLES OF IMPEACHMENT AGAINST JUDGE ALCEE L. HASTINGS, A JUDGE OF THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA, FOR HIGH CRIMES AND MISDEMEANORS

MISCELLANEOUS MATERIAL RELATED TO THE EVIDENTIARY HEARINGS

Part 2A of 3 Parts

U.S. GOVERNMENT PRINTING OFFICE
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The CHAIRMAN. Agent Murphy, you are ex-
your testimony very much.

[Witness excused.]

The CHAIRMAN. The House managers can call their next witness.

Mr. BRYANT. At this time, Mr. Chairman, the House calls H. Paul Rico.

[Pause.]

Mr. BRYANT. Mr. Chairman, the direct examination of this witness will be conducted by Hamilton Fish.

The CHAIRMAN. Mr. Rico, would you raise your right hand? Do you, H. Paul Rico, swear and affirm that the evidence you shall give in the case now pending between the United States and Judge Alcee L. Hastings shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. RICO. I do.

The CHAIRMAN. Please be seated.

Mr. FISH. Please state your name for the record.

## TESTIMONY OF H. PAUL RICO

### DIRECT EXAMINATION

Mr. RICO. H. Paul Rico.

Mr. FISH. Mr. Rico, where do you live?

Mr. RICO. 1598 Northeast 104th Street, Miami Shores, Florida.

Mr. FISH. And where are you employed?

The CHAIRMAN. Would you pull that microphone up a little closer, please, so all the committee could hear? Thank you.

Mr. RICO. All right. Where am I employed?

Mr. FISH. Where are you employed?

Mr. RICO. I am employed at Miami Jai Alai.

Mr. FISH. And what is your position there?

Mr. RICO. I am general manager of Miami Jai Alai and director of operations for World Jai Alai.

Mr. FISH. Mr. Rico, prior to working for Miami Jai Alai, what was your occupation?

Mr. RICO. I was a special agent, Federal Bureau of Investigation.

Mr. FISH. And how many years did you serve as special agent?

Mr. RICO. Twenty-four-and-a-half years.

Mr. FISH. Mr. Rico, when did you retire from the FBI?

Mr. RICO. I retired the end of April 1975.

Mr. FISH. Mr. Rico, in 1981, after your retirement, were you asked by the FBI to participate in an undercover investigation of an alleged bribery conspiracy involving a Federal judge?

Mr. RICO. Yes, I was.

Mr. FISH. When you were contacted by the FBI, were you told what Federal judge was allegedly involved in the conspiracy?

Mr. RICO. No.

Mr. FISH. What was your role in the undercover investigation?

Mr. RICO. I eventually learned my role was to impersonate one Frank Romano.

Mr. FISH. As part of the investigation, did you meet with William Borders at the Miami International Airport on the morning of September 12, 1981?

Mr. RICO. I did.

Mr. FISH. At that time, were you wearing a body recorder?

Mr. RICO. Yes, I was.

Mr. FISH. In fact, Mr. Rico, were all the conversations you had with William Borders as part of the bribery investigation recorded?

Mr. RICO. Yes, they were.

Mr. FISH. During your conversation with William Borders on September 12, 1981, at the Miami International Airport, did Mr. Borders write anything down for you on a piece of paper?

Mr. RICO. Yes, he did.

Mr. FISH. And what did he write down?

Mr. RICO. He wrote down "$150,000," and he wrote down "in 10 days." And I could not read the other word.

Mr. FISH. Did you observe what Mr. Borders did with the piece of paper?

Mr. RICO. He retained it.

Mr. FISH. Mr. Rico, based on your conversation with Mr. Borders that morning, what did this $150,000 figure represent?

Mr. RICO. This amount of money represented the money that I would have to come up with in order that both myself and my brother's sentence would be taken care of.

Mr. FISH. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Is there cross-examinatio

Mr. ANDERSON. Mr. Chairman, I think pe
tive Fish we ought to—I realize the Chair h
ences that witnesses only come once. Mr. R
our witness list with regard to the Mayor
Chair wish me to proceed into both lines at
to destroy the House's order of proof. That is

The CHAIRMAN. Does the House wish to b
whether Mr. Rico should be examined now about questions involved with the Article XVI of the Articles of Impeachment?

Mr. FISH. Yes, please, Mr. Chairman. First of all, such questions are clearly beyond the scope of my direct examination. Secondly, the chairman and the Senators will remember that in the opening statements by both Mr. Bryant and Mr. Anderson, the whole question was specifically postponed until a later time, and the gentleman reserved time for the argument at that time.

Also, it is our view that questions involving Title III would disrupt the presentation by the House on the bribery conspiracy case at this point.

Mr. ANDERSON. Mr. Chairman, if I could make clear, we are not asserting that we wish to pursue this. We are simply bringing to the Chair its issue. I have no problem with the managers' position on the issue. We will do either way the Chair wishes.

The CHAIRMAN. The chair will rule that this witness can be recalled as a witness to testify on that matter when the issue is before the committee. I think that would give us a more orderly presentation of the evidence.

Is there cross-examination of this witness on the line of questioning which Mr. Fish has just completed?

Mr. ANDERSON. Yes, Mr. Chairman, there is.



Mr. ANDERSON. Mr. Rico, my name is Terry Anderson. Have we ever met before, sir?

Mr. RICO. No.

Mr. ANDERSON. Mr. Rico, in our dealings prior to October 9th, you were dealing with Agent Murphy, were you not, sir?

Mr. RICO. I was dealing with two agents.

Mr. ANDERSON. Agent Murphy and Agent Amoroso?

Mr. RICO. Yes.

Mr. ANDERSON. And you had dealt with Mr. Dredge, and obviously you had dealt with Mr. Borders; is that correct, sir?

Mr. RICO. I met Mr. Dredge, that is correct, and I met Mr. Borders. That is also correct.

Mr. ANDERSON. But prior to October 9, 1981, you had never met with, seen, or observed any conversations with Judge Hastings, had you?

Mr. RICO. No.

Mr. ANDERSON. And is it not correct, as I recall it, that really the first time you observed Judge Hastings or saw him was at the trial in 1983; is that correct?

Mr. RICO. In the courthouse, right. That is correct.

Mr. ANDERSON. Now, could I ask the clerk to provide the witness with House Exhibits 38B and 43B just simply to facilitate my examination?

Let me ask you to look at both exhibits so you are sure what I am talking about and can refresh your recollection as we go along. 38B has been introduced in evidence as a transcript of sorts of a conversation among initially you, Mr. Dredge, and Mr. Borders on September 12, 1981. You will recall that conversation. That was the first meeting on Saturday, September 12th?

Mr. RICO. Yes.

Mr. ANDERSON. And the second one is on Saturday, September 19, 1981, and, again, purports to be a transcript of, again, the recording you made of your dealings with Mr. Borders on that date?

Mr. RICO. That is right.

Mr. ANDERSON. Now, at that first meeting, you had been briefed by Agents Murphy and Amoroso about the information that a man named William Dredge had provided them as to the kind of deal Mr. Borders was willing to make, had you not?

Mr. RICO. Yes.

Mr. ANDERSON. And you understood that the bottom line was you were to portray yourself as a Romano brother who wished to get his sentence converted to avoid jail?

Mr. RICO. Correct.

Mr. ANDERSON. And you were aware that it was necessary that you establish with Mr. Borders some showing which might demonstrate that, in fact, Borders' claims with respect to Judge Hastings were more than nothing? A show of proof, I think it has been characterized.

Mr. RICO. Yes.

Mr. ANDERSON. Is that correct, sir?

Mr. RICO. Yes.

Mr. RICO. No. It was until everything was done, in Mr. Borders' words. "Within 10 days, he will give it to me. I will hold it until everything is done."

Mr. FISH. So when would the 10 days start running?

Mr. RICO. Well . . . I cannot—I have no—really, whatever is here is here.

Mr. FISH. All right. Let us look at page 6 there where it says, "WAB . . . within 10 days."

Mr. RICO. Yes, right.

Mr. FISH. "Within 10 days, then he."

Mr. RICO. Yes.

Mr. FISH. "He" is whom?

Mr. RICO. I assume that he is referring to giving the money to Dredge.

Mr. FISH. "He" is Dredge.

Mr. RICO. Right.

Mr. FISH. "Will give it to me." What is "it"?

Mr. RICO. The money, until everything is done.

Mr. FISH. "Will give it to me" period.

Mr. RICO. Right.

Mr. FISH. So it is, "Within the 10 days, Dredge will give the money to me" is what is saying; is that correct?

Mr. RICO. I know that is what it says, but I do not know what the exact meaning of this is at this time.

Mr. FISH. Then he goes on and says, "I will hold it." That, again, refers to the money?

Mr. RICO. Right.

Mr. FISH. "Until everything is done."

Mr. RICO. Right. Right. And I assume that means that he is going to hold the money until everything is done.

Mr. FISH. That is my understanding.

Now, go down a little further to the fourth line. "You give it to him. He says he's got it. Within ten days, the order will come down."

Mr. RICO. Right.

Mr. FISH. Now, does that mean to you that the order—the 10 days will start running after Dredge says that he has got the money?

Mr. ANDERSON. Objection. I am trying to be patient, but this is fairly crucial and I think this is leading. "Does that mean to you that this is," and then tells him——

Mr. FISH. What does that mean to you, then, Mr. Rico?

Mr. RICO. That is what it says.

The CHAIRMAN. The witness—I think the question was revised, and the witness can go ahead and respond.

Mr. RICO. Yes. It says, "You give it to him. He says he's got it." And it would be 10 days from then.

Mr. FISH. Thank you. At that time, Mr. Rico, had the money passed?

Mr. RICO. No, No.

Mr. FISH. Did you have any contact with Mr. Dredge after he introduced you to Mr. Borders on September 12th?

Mr. RICO. No.

Mr. FISH. All right. Did you raise with Borders the possibility of the judge ordering something, something special? I refer you to page 7 of the transcript.

Mr. RICO. I was considering it, but I thought I might be going a little too far if I did that.

Mr. FISH. Mr. Rico, going back to an earlier time, prior to being contacted by the FBI to participate in the investigation of the bribery conspiracy, did you know William Borders?

Mr. RICO. No.

Mr. FISH. Had you ever heard of him?

Mr. ANDERSON. Objection, Your Honor. I think this goes beyond the scope of my cross. I do not mind him opening it up. I guess I would like to get a ruling.

The CHAIRMAN. The objection is overruled. You can proceed.

Mr. FISH. Had you ever heard of Mr. Borders?

Mr. RICO. No.

Mr. FISH. Prior to being contacted by the FBI to participate in the investigation, had you ever heard of or met William Dredge?

Mr. RICO. No.

Mr. FISH. And as you said, you had no contact with Mr. Dredge after he introduced you to Mr. Borders on September 12th.

Were you paid for impersonating Frank Romano in the undercover operation?

Mr. RICO. No.

Mr. FISH. Well, Mr. Rico, I think we would all be interested. Why did you agree to impersonate Frank Romano?

Mr. RICO. Well, I spent twenty-four-and-a-half years of trying to get other people to help me when I was an agent, so I did not think I could turn the Bureau down if they wanted me to help them. That is why I did it. And they told me that they wanted to quickly prove or disprove a very serious allegation concerning a Federal judge.

Mr. FISH. No further questions, Mr. Chairman.

The CHAIRMAN. Is there recross-examination?

RECROSS-EXAMINATION

Mr. ANDERSON. Two points.

Agent Rico, I wonder if I could ask you to look at the top of page 2 of House Exhibit 43B. This is the transcript of the September 19, 1981, meeting in which you pay the up-front money. Do you have that page in front of you?

Mr. RICO. Page 2?

Mr. ANDERSON. Page 2.

Mr. RICO. Yes.

Mr. ANDERSON. In your first remarks, you conclude with my understanding was that some property was going to be released. You recall that, do you not? Or not that you do not recall it. That is what you said at that meeting, is it not?

Mr. RICO. Yes.

Mr. ANDERSON. And Mr. Borders says, "Within 10 days," and you respond immediately, "Within 10 days of the last time we talked, right?"

Mr. RICO. That is right. That is what I said.

Mr. ANDERSON. And that confirmed your understanding that you thought the money, after the September 12th meeting, was coming out by September 22nd; is that not correct, sir?

Mr. RICO. I was trying to elicit a date from him, and I was trying to get it as quick as possible. For my purposes, I thought the quicker it happened the better. But he explained that it was 10 days from today.

Mr. ANDERSON. I understand. But based on your prior conversation, your immediate response was that it was, "Within 10 days from the last time we talked, right?"

Mr. RICO. But that was to put him——

Mr. ANDERSON. That is what you said, is it not?

Mr. RICO. Yes, that is true. That is exactly what I said.

Mr. ANDERSON. And that is all we have eight years after the fact——

Mr. RICO. That is right.

Mr. ANDERSON [continuing]. As really the only evidence of what went down then.

Mr. RICO. Fine.

Mr. ANDERSON. Now, Agent Rico, who was it that recruited you to come back into service and aid in this investigation?

Mr. RICO. Anthony Amoroso and Bill Murphy.

Mr. ANDERSON. And you had a fairly close relationship with Anthony Amoroso, did you not?

Mr. RICO. Yes.

Mr. ANDERSON. Thank you.

EXAMINATION BY THE COMMITTEE

The CHAIRMAN. Mr. Rico, you indicated that when you were first approached by the FBI to serve as an undercover agent in this case you were not told who the Federal judge was that was involved; is that correct?

Mr. RICO. That is correct.

The CHAIRMAN. When were you told?

Mr. RICO. After I agreed and signed a contract.

The CHAIRMAN. Was there a reason in your mind why they waited until you had signed the contract to advise you of that? Is there some significance there that we should know?

Mr. RICO. No. I may even be wrong on that. I just know that it was not until I agreed to do it before they told me who it was.

The CHAIRMAN. But there is no purpose that you read into the FBI's failure to tell you of that at a prior time?

Mr. RICO. Well, I do not think that the Bureau would tell someone of an ongoing investigation unless they were going to be sure that they were going to be working with that party. I do not think that they would be going door to door to try to——

The CHAIRMAN. So that is the only purpose in not giving you that information initially?

Mr. RICO. Right.

The CHAIRMAN. That until they were sure you were going to participate and help with the investigation, they did not want to reveal that information.

Mr. RICO. That is what I think, yes.

The CHAIRMAN. Senator Specter.

The VICE CHAIRMAN. Thank you, Mr. Chairman.

Mr. Rico, when you were dealing with Mr. Borders, did you ever conclude that or believe or think that Mr. Borders might be apprehensive about the transaction that you and he were engaging in?

Mr. RICO. Absolutely. Yes, I did.

The VICE CHAIRMAN. Did you ever consider that you were pushing it a little hard from your end to be pressing him to receive the payment, including going to Washington to complete the transaction?

Mr. RICO. That was always a danger, pressing too hard, yes. At times I did not press any further rather than want to keep the thing going.

The VICE CHAIRMAN. We have heard some of the tapes. We have heard tapes, but they do not represent necessarily all of the transactions. Did you ever have a sense that Mr. Borders was backing off in any way?

Mr. RICO. Not backing off, no. Apprehensive, though.

The VICE CHAIRMAN. But not backing off?

Mr. RICO. Right.

The VICE CHAIRMAN. Was there a sort of indifference on Mr. Borders' part, or how would you characterize it, about actually getting the last $125,000?

Mr. RICO. Mr. Borders always seemed to—if I proposed, "Let's have a cup of coffee," he would say, "Let's go for a walk." If I proposed, "Let's go downstairs and get the money," he would propose he would "stay here and you go down." He would never do—when I invited him into the room, he invited me outside the room. Probably if I invited him outside the room, he probably would have said, "Let's go in the room." That is the way he was. He just did not want to seem to have any guidance as to what his activities were going to be. He was, I thought, a very cautious individual.

The VICE CHAIRMAN. Mr. Rico, impressions and feelings and senses are very different from facts, obviously, but I am going to ask you a question about impressions or senses.

There is one conversation where arrangements are made for the payment of the $125,000 which appeared to me to raise a question, at least in my mind, as to almost the level of indifference on the part of Mr. Borders, which suggests to me the possibilities that—and I have not drawn this conclusion, but I raise the question for your comment as to whether this was such a frequent occurrence that it was almost a matter of indifference to him, or perhaps that he was suspicious and was backing off. But there is a tone in his responses to you which raises the question in my mind so that I would, at least for myself, think it of value to get your impression as to what was going on between the two of you.

Mr. RICO. Are you referring to the telephone conversations in Washington, DC that I had with Borders? Are those the conversations that I had with Borders?

The VICE CHAIRMAN. I am referring to the conversations where you are initiating the talk about making the payment. You are pressing him to conclude the transaction to get the money, and then the conversation where you arrange to go to Washington in-

Mr. ANDERSON. Respondent calls H. Paul Rico.

Judge HASTINGS. While Mr. Rico is coming in, Mr. Chairman, what Senator Lieberman requested, I was able to find. Could I give it to the clerk and have him supply it to Senator Lieberman and other Senators who may be interested?

The CHAIRMAN. Did we want to offer this as an exhibit to the record, is that an appropriate thing——

Judge HASTINGS. I don't think he asked for it as an exhibit and I wasn't offering it. I was only supplying it for information for Senator Lieberman.

The CHAIRMAN. Okay. We will just accept it.

Mr. ANDERSON. Mr. Chairman, it also is in the book which most of you are referring to.

The CHAIRMAN. Mr. Rico, do you understand you are still under oath before this committee?

Mr. RICO. Yes.

The CHAIRMAN. Please be seated.

## TESTIMONY OF H. PAUL RICO (continued)

### DIRECT EXAMINATION (continued)

Mr. ANDERSON. Mr. Rico, to refresh the committee's recollection, were you employed as an FBI agent for most of your career?

Mr. RICO. Yes.

Mr. ANDERSON. And when did you retire, sir?

Mr. RICO. The end of April 1975.

Mr. ANDERSON. And what was your duty station at that time?

Mr. RICO. Miami.

Mr. ANDERSON. How long had you been in Miami?

Mr. RICO. Five years.

Mr. ANDERSON. And during your association there, had you developed both a friendship and a working relationship with Anthony Accardo?

Mr. RICO. Yes.

Mr. ANDERSON. Did you know an agent Jerry Forrester?

Mr. RICO. Yes.

Mr. ANDERSON. And an agent Tom Dowd?

Mr. RICO. Yes.

Mr. ANDERSON. And I take it you knew a number of agents.

Mr. RICO. Yes.

Mr. ANDERSON. About how many agents were in Miami at that time in the FBI?

Mr. RICO. Probably assigned to the office, around 100, but not all in headquarters.

Mr. ANDERSON. When you retired, where did you go to work?

Mr. RICO. Miami Jai Alai.

Mr. ANDERSON. And in what capacity were you hired at Miami Jai Alai?

Mr. RICO. Director of Security.

Mr. ANDERSON. And what is your present position at Miami Jai Alai?

Mr. RICO. I'm the general manager.

Mr. ANDERSON. And when did you become general manager?

Mr. RICO. Either early 1976 or late 1975.

LAW OFFICES
JACK I. ZALKIND
AND ASSOCIATES
[redacted]
BOSTON, MASSACHUSETTS 02108
[redacted]
FACSIMILE [redacted]

OF COUNSEL:
MELVIN FOSTER
ELLEN Y. SUNI

August 14, 1989

Mr. Chairman and
Members of the
Massachusetts Parole Board
27-43 Wormwood Street
South Boston, MA 02210

Re: Joseph Salvati

Dear Mr. Chairman and Members:

On March 12, 1979, I was asked to write a letter on behalf of the above-named, Joseph Salvati, who, I understand, is appearing before your Board for a sentence commutation. (See enclosed copy of letter marked Exhibit "1").

My feelings, as expressed in the aforementioned letter, have not changed. Indeed, I have become more firmly convinced that Mr. Salvati, if possible, should have his sentence commuted. It is my understanding that during the 22 years that he has been incarcerated, he has completed many many furloughs and has never once violated any of the terms and conditions of this program. I also feel that the time that Mr. Salvati has served for the crime of which he was convicted is, indeed, sufficient.

As I stated in my letter written in 1979, I would have recommended a plea to Second Degree Murder back in 1968 and, indeed, if this were the case, Mr. Salvati would have been eligible for parole seven (7) years ago.

I have had no personal relation with either Mr. Salvati or any of his relatives or friends. My feelings are based upon what I believe to be in the best interests of justice.

I, therefore, recommend to the Board that Mr. Salvati's Petition for Commutation be acted upon favorably.

Very truly yours,

Jack I. Zalkind

JIZ/ls

Encls.

EXHIBIT
831

Frank L. Walsh
[redacted]
Roslindale, Massachusetts 02131

August 15, 1989

TO THE CHAIRMAN AND MEMBERS OF THE PAROLE BOARD:

At the request of Victor J. Garo, attorney for Joseph Salvati, I am submitting an update of my letter of March 15, 1979, regarding Joseph Salvati.

Since that time, I have received no further knowledge or information that would cause me to change the opinions expressed in that communication.

I sincerely believe, that Mr.Salvati is deserving of your consideration for commutation, and that justice will be served if he is returned to his family and community as a useful citizen.

Respectfully submitted,

Frank L. Walsh

Frank L. Walsh

Attached: Copy of letter dated March 15,1979.



[redacted] ROSLINDALE, MASSACHUSETTS 02131

March 15, 1979

To Whom It May Concern:

I retired as a Sergeant Detective from the Boston Police Department after 32 years of service and currently am employed as manager of security for a large multi-purpose center, located in Boston.

While with the Department and during my assignment in the Organized Crime Unit, I was involved in the investigation, arrest, and prosecution of James Salvati, (and others) which resulted in the sentence he is now serving.

During my investigations prior to his indictment, subsequent sentencing and to this date, I have never become aware that Mr. Salvati has been even remotely connected with firearms or physical violence.

Over the recent past, I have maintained contact with the people in the North End, among them the family of Joe Salvati. It is because of these continuing contacts that my opinion is he has been thoroughly rehabilitated and bears no ill will against our prosecutive or corrective system.

My knowledge of the prisoner's background, and his family, convince me that he is deserving of the opportunity to rejoin his community and serve a useful life.

In my long personal involvement with law enforcement, I have written only two letters of this type recommending consideration for parole and both have been for Joseph Salvati.

Respectfully,

The Commonwealth of Massachusetts
DISTRICT ATTORNEY OF SUFFOLK COUNTY
NEWMAN FLANAGAN

NEW COURT HOUSE
TON, MASSACHUSETTS 02108
(617) 725-8600

August 16, 1989

RECEIVED
AUG 18 1989
MASSACHUSETTS
ADVISORY BOARD
OF PARDONS

Honorable John J. Curran, Chairman
Massachusetts Parole Board
Advisory Board of Pardons
27-43 Wormwood Street
Boston, Massachusetts 02210-1606

Re: Petition for Executive Clemency: Joseph SALVATI

Dear Mr. Curran,

With regard to the above-captioned petition for executive clemency, it remains the position of this office that any reduction of sentence would be entirely inappropriate. **SALVATI** was tried and convicted in 1968 in Suffolk Superior Court and sentenced to life imprisonment as an accessory before the fact in the brutal contract murder of Edward DEEGAN. Testimony at trial showed that **SALVATI** was involved in the planning stage of the murder and was in fact the individual who obtained the weapons which were used. Testimony also showed that **SALVATI** was at the scene just prior to the murder, seated in a car, acting as a "look out" and only fled the area when he was approached by a police officer.

Joseph **SALVATI's** direct and intimate involvement in this brutal gangland "murder-for-hire" must militate against any consideration for reduction of sentence in this case. Accordingly, it is my official recommendation and the position of my office that the petition of Joseph **SALVATI** be denied.

Respectfully,

Newman Flanagan
District Attorney
Suffolk County

NF/kr: 13760

EXHIBIT
833

*The Commonwealth of Massachusetts*
*Advisory Board of Pardons*
*27-43 Wormwood Street, Suite 300*
*Boston, Massachusetts 02210-1606*
(617) 727-3271

In the matter of
JOSEPH SALVATI
Petitioner for Commutation
OPINION

*YOUR EXCELLENCY*

The Advisory Board of Pardons respectfully submits this report and recommendation concerning the commutation petition of Joseph Salvati. Mr. Salvati is serving a life sentence for murder in the first degree imposed on July 31, 1968 in Suffolk Superior Court.

The Board conducted a public hearing regarding this petition on August 21, 1989.

After due consideration, the Advisory Board of Pardons, by unanimous vote, recommends approval of this petition. The reasons for this recommendation are set forth below:



PR Newswire
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Wednesday, June 17, 1992

FORMER PATRIARCA BOSS SENTENCED TO AN EIGHT YEAR TERM

BOSTON, June 18 /PRNewswire/ -- The former Boss of the Patriarca Family of La Cosa Nostra was sentenced to an eight-year term of imprisonment today following his plea of guilty to charges of racketeering and violations of the Travel Act.

U.S. Attorney A. John Pappalardo announced that the Honorable Mark L. Wolf sentenced Raymond J. Patriarca to a 97- month term of incarceration followed by a three-year period of supervised release and a $50,000 fine. In addition, Judge Wolf ordered that Patriarca pay for the costs of his imprisonment and supervised release which total in excess of $125,000. In limiting the defendant's sentence to eight years, the Court rejected the government's requests to impose a harsher sentence. Pappalardo stated that the government was disappointed by the sentence imposed, noting that "the evidence presented to the Court would have fully supported the imposition of a substantially higher sentence." Pappalardo also observed, that with credit for time served and further reductions as a result of "good time," the defendant may be released in less than five years.

Patriarca headed the Family for over six years, becoming the Boss after the death of his father in 1984. Patriarca presided over a Mafia induction ceremony held in Medford, Mass. on Oct. 29, 1989. That induction ceremony was secretly tape recorded by the Federal Bureau of Investigation pursuant to court order.

Patriarca's co-defendants, Joseph Russo, Vincent Ferrara, Robert Carrozza, Dennis Lepore and Carmen Tortora, have been convicted and sentenced to terms of imprisonment ranging from 13 to 22 years. Co-defendant Pasquale G. Barone's case was severed from that of his co-defendants and he is awaiting trial. Co- defendant Angelo J. Mercurio is currently a fugitive.

The investigation was conducted by Special Agents of the Federal Bureau of Investigation and Detectives of the Boston Police Department, with assistance of the Massachusetts State Police. The case was prosecuted by Assistant U.S. Attorneys Jeffrey Auerhahn, Gregg L. Sullivan and James D. Herbert of the Organized Crime Strike Force Division of the U.S. Attorney's Office.

--- INDEX REFERENCES ---

NEWS SUBJECT: Law Enforcement (LEN)

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Telegram & Gazette Worcester, MA
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Tuesday, March 26, 1991

NEWS

Prosecutor defends Mafia-ceremony tape as evidence
AP

BOSTON (AP) - A federal prosecutor took the stand in U.S. District Court yesterday to save a tape recording of an alleged Mafia induction ceremony from being thrown out as evidence against purported mob leaders.

The tape, believed to be the first ever recorded of a mob induction ceremony, is the cornerstone in the racketeering case against reputed organized crime boss Raymond J. Patriarca and six other defendants.

The tape was secretly recorded in a clapboard house at 34 Guild St. in Medford, where four inductees took a blood oath to kill anyone who violated the organization's secrecy, federal authorities say.A ROVING BUG

The recording was made on Oct. 29, 1989, two days after the prosecutor, Diane M. Kottmyer, got authorization to bug virtually any place the purported Mafia leaders Joseph Russo, Vincent M. Ferrara and Robert F. Carrozza went, a so-called roving bug.

But defense attorneys contend Kottmyer acted in bad faith by withholding information about the induction ceremony when she sought the warrant from U.S. District Judge David S. Nelson.

U.S. District Court Judge Mark L. Wolf, who ordered the hearing on the tape, is mulling whether to suppress it as evidence. Wolf has said his decision may be based in part on "the government's motive for not making "a full and complete statement' in the warrant application."

--- INDEX REFERENCES ---

NAMED PERSON: MAFIA; RAYMOND J. PATRIARCA; JOSEPH RUSSO; VINCENT M. FERRARA; ROBERT F. CARROZZA

KEY WORDS: MASS; NE; ORGANIZED CRIME; TRIALS; RECORDINGS; CRIME; RACKETEERING

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7/29/98 ASSOCPR (No Page)
7/29/98 Associated Press (Pg. Unavail. Online) 1998 WL 6700964



AP Online
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Wednesday, July 29, 1998

# Mobster Tells of Mob Induction Tip

ALISON FITZGERALD

BOSTON (AP) - A mobster and an FBI agent each testified Wednesday about the months leading up to a storied mafia induction ceremony that was caught on tape and used to prosecute dozens of alleged mobsters in New England and New York.

An attorney for one of 14 men accused of racketeering is trying to have the tape recordings excluded from his client's upcoming federal trial.

John LaChance, an attorney for accused mob capo Robert Carrozza, argued that the FBI misled a judge when they asked permission for a so-called roving wiretap.

The tape, known as 34 Guild St. for the location of the ceremony, was made after federal prosecutors obtained court permission for the wiretap. Normally, wiretaps are allowed by federal judges when no other alternatives, including informants, are available.

Angelo Mercurio testified Wednesday that he called the FBI hours after leaders of the New England mob took him on a ride in 1989 to show him where the latest mobsters would be "made."

Mercurio said he told FBI special agents John Connolly and James A. Ring that there would be an induction ceremony months before it happened, but at the time he didn't know when and where it would be.

"I told them four guys were going to be made. I gave them their names," said Mercurio, who is serving a 9-year, 2-month federal sentence for possessing 100 pounds of marijuana in Georgia, and for federal racketeering conspiracy, extortion, illegal gambling, obstruction of justice and loansharking convictions.

Mercurio asked his lawyer for advice before answering nearly every question, and refused to answer several questions by invoking his Fifth Amendment right against self-incrimination.

Mercurio said he tipped the FBI two weeks before the ceremony and again two days before it happened.

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Ring, who was head of the FBI's organized crime unit in Boston at the time, testified that he needed the special wiretap warrant in case the ceremony was moved at the last moment.

Investigators had to convince a judge that they needed to bug several unspecified locations to get the information they needed.

LaChance argued the FBI had enough information to request approval for a bug in a specific location and that the agency wanted to get the induction ceremony at all costs because no one had ever captured such a ritual on tape before.

Ring said agents were most concerned with stopping the violence in a "shooting war" for control of the mob.

According to prosecutors, Carrozza was a capo in the Patriarca crime family who was trying to take over the family from Francis J. "Cadillac Frank" Salemme.

Carrozza and the others are accused of trying to kill 14 members of the Salemme branch of the New England mob, including Salemme, who was shot and injured in a Saugus pancake house in 1989.

The Carrozza hearings are expected to last into next week.

Word Count: 477

7/29/98 ASSOCPR (No Page)

END OF DOCUMENT

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The Commonwealth of Massachusetts
Executive Office of Human Services
Parole Board
27 43 Wormwood Street, Suite 300
Boston, Massachusetts 02210-1606

JOHN J. CURRAN, JR.
Chairman
RUTH ANN JONES
Executive Director

November 30, 1989

Mr. James Ahearn
Special Agent in Charge
Federal Bureau of Investigation
J.F.K. Federal Building, Room 900
Boston, Massachusetts 02203

**Attention: Mr. James Ring**

**RE: Joseph Salvati**
**Petitioner for**
**Commutation**

Dear Mr. Ahearn:

The Massachusetts Parole Board, sitting in its capacity as the Advisory Board of Pardons, has pending before it a petition for commutation of Joseph Salvati who is serving a life sentence for the offense of Murder in the first degree. The Board has recently conducted a hearing on this matter and is considering its recommendation to be forwarded to the Governor on the merits of the petition.

An issue that was the subject of discussion during our hearing with Mr. Salvati was the nature of his relationship with Mr. Frank Oreto. The Board was previously aware of contacts between the petitioner and Mr. Oreto in 1986.

I am writing to request any information that you might have that would be relevant to the Board's consideration of this issue.

Thank you very much for any assistance that you might be able to provide us in this matter.

Sincerely,

John J. Curran, Jr.
Chairman

**Massachusetts Parole Board**

CC: Board Members



DEC 01 '89 16:28 P.1

U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Mr. James F. Ahearn
Special Agent in Charge
Federal Bureau of Investigation
J.F.K. Building, Room 900
Boston, MA 02203

December 1, 1989

Mr. John J. Curran, Jr.
Chairman of the Board
Commonwealth of Massachusetts
27-43 Wormwood Street, Suite 300
Boston, MA 02210-1606

CONFIDENTIAL

Dear Mr. Curran:

In reference to your letter dated November 30, 1989 requesting information regarding contacts made in October, 1985 between Joseph Salvatti and Frank Oreto, the following information is set forth:

Mr. Salvatti was intercepted over telephone lines that were monitored by Agents of the FBI and Troopers of the Massachusetts State Police on federal court authorized wire taps on seven occasions during the September, 1985-January, 1986 time period.

Mr. Salvatti's wife went over to meet Frank Oreto on November 9, 1985 after Mr. Salvatti's meeting with Mr. Oreto.

Based upon a review of all evidence in the Oreto case, the FBI is of the opinion that (A) Mr. Salvatti most likely had no ownership or management relationship with the Oreto Loanshark Operation; (B) Mr. Salvatti probably met with Mr. Oreto for the purpose of having his wife borrow some money from Mr. Oreto.

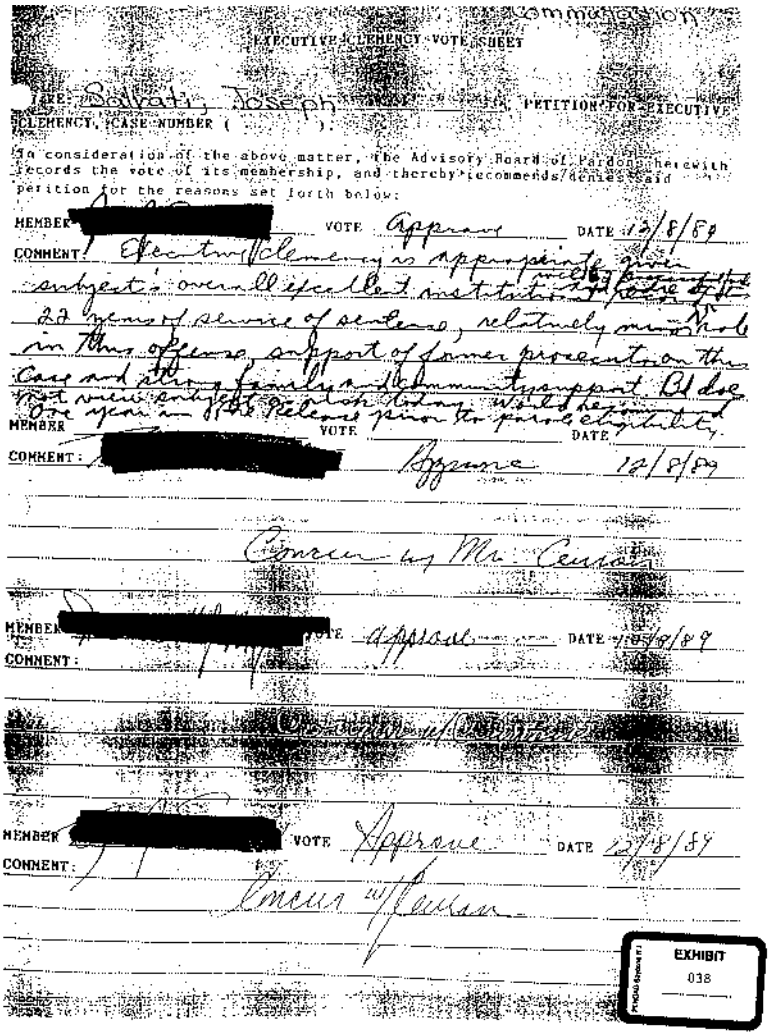
Sincerely,

James F. Ahearn/pi

JAMES F. AHEARN
Special Agent in Charge

EXHIBIT
837

Commutation



EXECUTIVE CLEMENCY VOTE SHEET

TYPE: Salvati, Joseph PETITION FOR EXECUTIVE CLEMENCY, CASE NUMBER ( ):

In consideration of the above matter, the Advisory Board of Pardons herewith records the vote of its membership, and thereby recommends/denies said petition for the reasons set forth below:

MEMBER [redacted] VOTE Approve DATE 12/8/89

COMMENT: Executive clemency is appropriate given subject's overall excellent institutional [illegible] 22 years of service of sentence, relatively minor role in this offense, support of former prosecutor on this case and strong family and community support. Bd does not view subject as risk today. Would recommend one year in the Release prior to parole eligibility.

MEMBER [redacted] VOTE DATE

COMMENT: [redacted] Approve 12/8/89

Concur w/ Mr. Ceurvan

MEMBER [redacted] VOTE Approve DATE 12/8/89

COMMENT:

[illegible]

MEMBER [redacted] VOTE Approve DATE 12/8/89

COMMENT:

Concur w/ Ceurvan

EXHIBIT 038

EMBER [redacted] VOTE Approve DATE 12-8-8

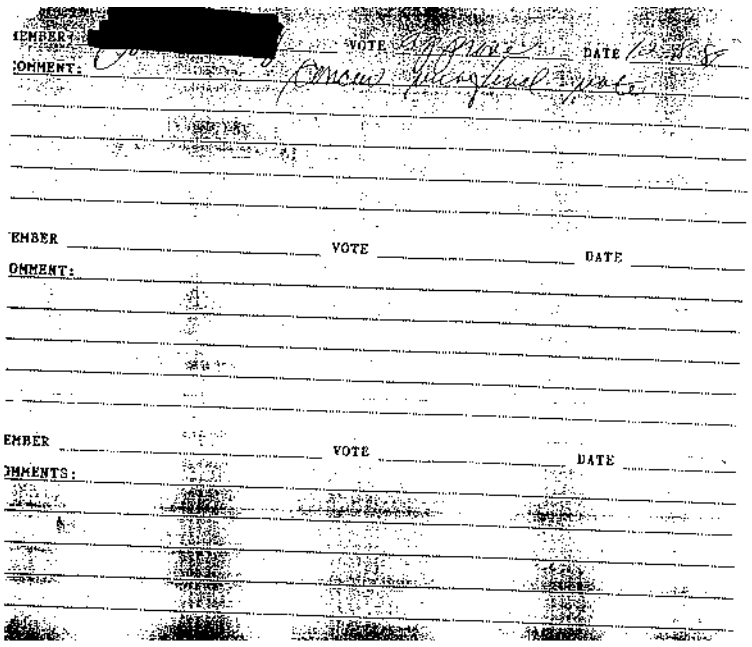
OMMENT: Concur Wing/Fuel Vote

EMBER _____ VOTE _____ DATE _____

OMMENT:

EMBER _____ VOTE _____ DATE _____

OMMENTS:



7/22/98 Boston Globe A1
1998 WL 9144510

The Boston Globe
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Wednesday, July 22, 1998

METRO/REGION

# Cases disappear as FBI looks away

Shelly Murphy, Globe Staff

WED

This Spotlight Team 5-part series was prepared by editor Gerard O'Neill and reporters Dick Lehr, Michell Zuckoff, and Shelley Murphy. Today's installment was written by Murphy. PART 4 WHITEY & THE FBI: PRICE OF PROTECTION

At the dawn of his deal with the FBI, James "Whitey" **Bulger** was an angry leg breaker at a Dedham restaurant looking to collect an unpaid loan. Leaning across a table, he gave the owner a choice: Pay, or have his ears cut off and stuffed in his mouth.

Restaurateur Francis X. Green told his story to the FBI, expecting protection and prosecution. But **Bulger** had an ace in the hole. He worked for the FBI.

Looking back, the 1976 incident at the Back Side Restaurant was a turning point. An extortion case, built on a credible, cooperative witness, might have stopped **Bulger** and his partner, Stephen "The Rifleman" Flemmi, from launching a 15-year crime spree.

Instead, the FBI did nothing, sending a powerful message to two of the region's most ruthless organized crime figures: As long as you're with us, we won't bother you.

As a result, **Bulger** and Flemmi became sanctioned career criminals while spying on the underworld for the FBI. Despite solid evidence indicating **Bulger** and Flemmi were involved in murders, shakedowns, and drug dealing, the FBI looked the other way throughout the 1970s and 1980s.

It made no difference who the victims were, fellow wise guys or innocent people. And it didn't matter if the victims were willing to cooperate with the FBI or were scared silent. In some cases, the bureau even helped the gangsters by leaking information to them about ongoing investigations.




Recent court testimony shows the deflected cases ranged from the

momentous to the mundane, but the consistent thread running through most of them is the involvement of **Bulger**'s handler, former FBI agent John Connolly of South Boston.

Some potential cases that went nowhere:

- In 1982, a wise guy turned FBI informant was gunned down after Connolly, according to testimony, told **Bulger** and Flemmi that the man had implicated them in a string of gangland slayings and the murder of an Oklahoma businessman.

- In 1984, a Boston police detective told Connolly that **Bulger** and Flemmi were trying to seize a liquor store owned by the detective's relatives with a "can't refuse" offer. But Connolly did not report the incident to superiors and, within days, **Bulger** sent word to the victims that he knew they had complained to the FBI and warned them to "back off."

- In the late 1980s, FBI agents John Newton and Roderick Kennedy failed to document or follow up on a realtor's claim that a gun-toting **Bulger** threatened to stuff him in a body bag if the realtor didn't pay him $50,000.

- In 1988, another FBI agent, supervisor John Morris, who had pocketed $7,000 in payoffs from **Bulger**, warned **Bulger** and Flemmi that the FBI had tapped the telephone of a Roxbury bookmaker who worked for them. While indictments resulted from the wiretap, including some Boston policemen for taking payoffs, **Bulger** and Flemmi went untouched.

Although there is evidence that Connolly protected **Bulger** and Flemmi, he was not alone. Supervisors and fellow agents often were swayed by his claim there was insufficient evidence to target the pair or that they were too valuable to the FBI.

For example, FBI agent James Blackburn testified he never pursued allegations that **Bulger** was shaking down a South Boston drug dealer in 1988 after Connolly told him it wasn't true. And agent James J. Lavin III testified that in 1987 he ignored evidence that city workers erected guardrails on private property outside the South Boston liquor store controlled by **Bulger** after Connolly reminded him that **Bulger** was an indispensable informant.

In the end, **Bulger** and Flemmi were always suspects, but never defendants; always informants, never targets.

Last April, Connolly refused to testify at federal court hearings exploring the FBI's controversial relationship with **Bulger** and Flemmi, citing his Fifth Amendment right not to incriminate himself.

In interviews, he has accused other agents of lying when they testified critically about his handling of **Bulger** and Flemmi.

"I'm not a rogue agent," Connolly said recently. "Anything I ever did, I did lawfully. I have no trouble with what I did. I did it for the FBI, all the way to D.C., constant oversight."

But the record now shows that the deal -- protection for information -- left the bureau shortchanged, co-opted, and compromised.

In a telling aside during recent testimony, one of Connolly's closest associates in the bureau, former agent Nicholas Gianturco, talked about entertaining **Bulger** and Flemmi at his Peabody home. "I felt comfortable having them to the house," he said. "It was not an adversarial relationship." ALL TOGETHER IN ONE ROOM

It was an improbable convergence of characters that put two of the region's top prosecutors under the same roof in Dedham with three gangsters while the hoodlums were extorting the owner of the establishment across the room.

In late 1976, then-Norfolk County District Attorney William Delahunt had just ordered dinner at the Back Side Restaurant and was awaiting the arrival of Martin Boudreau, a law school classmate and federal prosecutor, when he looked up to see another old acquaintance approaching his table.

It was Johnny Martorano, a well-known gangster who had attended grammar school with Delahunt in Quincy. Martorano and two other men had just entered the restaurant. While his companions moved to a cocktail table near the bar, Martorano chatted with Delahunt about the different paths they had taken since their school days, joking that there was more honor in his world than among bankers and lawyers. Flemmi joined the conversation briefly.

After Delahunt went back to his meal and was joined by Boudreau, the number-two prosecutor in the Federal Organized Crime Strike Force, the restaurant owner was summoned to sit with **Bulger**, Flemmi, and Martorano to talk about a serious arrearage of $175,000. According to later investigative reports, it was **Bulger** who delivered the pay-or-die ultimatum.

A few weeks later, Delahunt learned what really had brought his old schoolmate to Dedham. Delahunt said Edward Harrington, former chief of the New England Organized Crime Strike Force, called to tell him that **Bulger** and his friends had threatened Green, the restaurant owner, over an unpaid loan. And he said Green feared Martorano had connections to Delahunt after seeing them banter that night.

After reassuring Harrington he had no ties to Martorano, Delahunt said prosecutors assigned to his office interviewed Green and later turned the case file over to the FBI. Green, who declined to be interviewed by the Globe, is quoted in investigative reports as saying **Bulger** and Flemmi threatened to kill him if he didn't repay a loan from a Boston credit union.

"It's our money," **Bulger** told Green, threatening to "positively kill him" and mutilate his face, according to an FBI report. Ears off, eyes out.

FBI agents Thomas Daly and Peter Kennedy interviewed Green on Oct. 13, 1977, and noted in their report that Flemmi told Green that nobody would get hurt if he made arrangements with the woman at the credit union who handled the loan. They wanted a $25,000 installment immediately.

In a recent interview with the Globe, Rita Tobias of Belmont confirmed that she loaned Green money through the finance company -- but said the amount was closer to $20,000. She insisted she doesn't know **Bulger** or Flemmi and hadn't gone to them for help.

The following year, Green became a star government witness, but not against **Bulger** or his friends. Federal prosecutors used Green's testimony in an unrelated public corruption case to win a tax-evasion and bribery conviction against a Boston official. **Bulger** and Flemmi went unpunished and unchallenged.

Months after turning the Green case over to the FBI, Delahunt, now a Massachusetts congressman, said he asked Jeremiah T. O'Sullivan, chief of the New England Organized Crime Strike Force, what became of the investigation and was told: "It just didn't work out." O'Sullivan's lawyer, Hugh Scott, declined comment on the incident, saying it would be inappropriate because of the ongoing federal hearings.

Harrington, now a federal judge, was working as a lawyer for a private law firm in Boston when Green reported his threatening encounter with **Bulger** and Flemmi in 1976. The following year, Harrington became US Attorney for Massachusetts, a job he held when his public corruption squad used Green to make a case against the Boston official.

Today, when asked about his role in the Green case and why it never led to charges against **Bulger** or Flemmi, Harrington said, "In view of the fact that I am a federal judge and wish not to be involved in a proceeding before another federal judge, I decline to comment on the matter." **BULGER** IMPLICATED, MOBSTER KILLED

Brian Halloran was a dead man. And the FBI knew it.

Just a few days before Halloran was gunned down along the Boston waterfront, an FBI official whispered to then-US Attorney William F. Weld, "I would not want to be standing next to this guy."

In fact, the FBI's decision to deny Halloran entry into its witness protection program may have cost Halloran his life.

Halloran was awaiting trial for the murder of a drug dealer in January 1982 when he walked into the FBI's Boston office and announced he wanted to cooperate against **Bulger** and Flemmi because he feared they were trying to kill him.

He offered to "go all the way" against the two, but wanted immunity from prosecution and protection for himself and his family, according to the FBI report. A member of the Winter Hill gang who had frequent dealings with **Bulger** and Flemmi, Halloran told a tale of murder and mayhem.

For openers, he described how he dropped off South Boston bookmaker Louis Litif at Triple O's tavern on April 12, 1980, for an after-hours meeting with **Bulger**. Moments later, Halloran said, he watched as **Bulger** and an associate lugged Litif's plastic-wrapped body out the back door of the South Boston bar and dumped it into the trunk of Litif's new Lincoln. The car and the body were later found in the South End.

Then Halloran moved on to another bloody murder scene, this one in Oklahoma. He claimed he could help solve the shooting death of millionaire Roger Wheeler, the Telex Corp. chairman who was shot to death on May 27, 1981, outside an exclusive Tulsa country club.

Wheeler had bought World Jai Alai (WJA) three years earlier and suspected Somerville's Winter Hill gang of skimming profits from the company's operation in Connecticut.

Halloran claimed that his friend, John Callahan, former president of WJA, summoned him to a meeting with **Bulger** and Flemmi in January 1981 at Callahan's Boston waterfront apartment.

Halloran said Callahan asked him to murder Wheeler, who suspected that employees who remained loyal to Callahan were doing the skimming. Later, Halloran said, Callahan told him he wasn't needed and the murder was carried out by **Bulger**, Flemmi, and John Martorano.

Despite the significance of Halloran's account, authorities in Oklahoma say the FBI in Boston never shared it with them.

Instead, FBI agent Morris said he passed along word to Connolly that Halloran was cooperating with another squad in the FBI against his two prized informants.

Morris testified that Connolly then told **Bulger** and Flemmi that Halloran had implicated them in Wheeler's murder, prompting Connolly to file an informant report from **Bulger** arguing that "there was no way that they would have been involved with Halloran in connection with anything, let alone murder."

Ultimately, the FBI, along with Strike Force Chief O'Sullivan, concluded that Halloran was unreliable and turned him away from an FBI safe house on Cape Cod.

Weeks later, on May 11, 1982, Halloran was gunned down as he left a bar on Northern Avenue in South Boston. Callahan, being sought for questioning as a potential witness in the Halloran and Wheeler slayings, was found murdered three months later in Miami.

In a recent interview, Connolly said he "absolutely never" told **Bulger** and Flemmi that Halloran had turned FBI informant against them before he was killed. Connolly said he filed reports before Halloran's death noting that **Bulger** claimed the Mafia was going to kill Halloran.

The fallout from the investigation spread within the FBI, as agents in Oklahoma City and Miami accused the Boston office of stonewalling about Wheeler and Halloran.

The distrust spilled over into the Boston office, as the agent assigned to the Wheeler case accused Connolly of "rifling" his file and leaking information to **Bulger** and Flemmi that would help them establish alibis. Connolly vehemently denies the charge.

At first, Connolly refused to call in **Bulger** and Flemmi to have them photographed so investigators in Oklahoma could show their pictures to potential witnesses. According to recent testimony by James Ring, who was then supervisor of the organized-crime squad, Connolly became "defensive" about the photo request, arguing that **Bulger** and Flemmi had proclaimed their innocence. Connolly relented only after Ring threatened to drop **Bulger** and Flemmi as informants.

Still, the FBI didn't force **Bulger** and Flemmi to take polygraph examinations after they refused. In contrast, Halloran was dropped as an informant when he refused to take the lie detector test.

"For a long time we thought, it's just pure incompetence," said Wheeler's son, David, who now believes the FBI has obstructed the

investigation into his father's murder. "But I never dreamed it was as extensive as it is." WHITEY AND STEVIE GO SHOPPING

It was Christmas time 1983 and Whitey **Bulger** and Stevie Flemmi were out shopping. They were cruising around South Boston when they saw something they wanted: a newly renovated liquor store on the site of what had until recently been an abandoned gas station.

It meant nothing to **Bulger** and Flemmi that Stephen and Julie Rakes didn't want to sell Stippo's Liquor Mart on Old Colony Avenue.

During a menacing visit to the Rakes's South Boston home during the first week of the new year, **Bulger** and Flemmi handed Stephen Rakes a bag stuffed with $67,000 cash and announced they were buying the liquor store, according to testimony.

"We don't want to sell it," said Rakes, who was home with his two young daughters while his wife was working at the store.

Flemmi allegedly sat down at the kitchen table, pulled one of Rakes's blond-haired daughters onto his lap, and set a gun on the table in front of her. The curious toddler picked up the gun and playfully sucked on the handle, according to federal grand jury testimony revealed in court.

"It would be a shame not to see your children grow up," **Bulger** allegedly said.

A horrified Rakes called his wife at the store and told her to pack up all their belongings and come home.

Within days, then-Boston Police Detective Joseph Lundbohm said he went to Connolly on behalf of his niece, Julie Rakes, unaware that **Bulger** and Flemmi were informants and Connolly was their handler.

Connolly said he took no action to stop the hostile takeover by **Bulger** and Flemmi because the couple "did not want to get wired up and they did not want to be witnesses. How do you make a case like that?"

It was a chilling lesson for the Rakeses, who discovered a few days later that **Bulger** knew they had complained to the FBI.

"Whitey said to back off," Stephen Rakes told Lundbohm, who said he suspected Connolly tipped **Bulger** about their meeting. In a Globe interview, Connolly denied leaking the information.

Connolly said he couldn't recall whether he reported the incident to his supervisor, but federal prosecutors said a search of FBI files

failed to uncover any paperwork on it. It appears Connolly made a unilateral decision to neither investigate the extortion nor pass it along to a supervisor.

The store was sold to **Bulger's** friend, Kevin Weeks -- at least on paper -- without a hitch and was renamed the South Boston Liquor Mart. It immediately became a new hangout for **Bulger** and Flemmi.

Soon, the FBI was patronizing **Bulger's** store. A 1990 raid of the Liquor Mart by the Drug Enforcement Administration, the Suffolk County Organized Crime Squad, and the IRS uncovered a receipt indicating the FBI bought liquor at discount prices to give away at its annual Christmas party months earlier.

The receipt indicated that the liquor was purchased by agent Dick Baker, the party organizer. And a separate piece of notebook paper indicated who the agent was: "Dick Baker (friend of John Connolly)." Connolly does not deny the FBI bought liquor at the store but says the piece of paper with his name on it was planted. NO FBI FOLLOWUP TO EXTORTION

Years after Louis Litif was allegedly murdered in Triple O's, **Bulger** and his friends summoned an unsuspecting businessman to a meeting in the Broadway tavern, according to court documents and recent testimony.

"Someone hired me to kill you," **Bulger** told South Boston realtor Raymond Slinger, after calling him to a meeting in an upstairs apartment in the late 1980s.

**Bulger**, accompanied by his friends Kevin Weeks and Kevin O'Neil, said he was willing to spare Slinger's life in exchange for cold cash. But, when Slinger had the audacity to arrive at a follow-up meeting with the trio packing a gun, he was beaten and kicked as an enraged **Bulger** ordered his friends to "go downstairs and get a body bag."

After **Bulger's** demand increased to $50,000, Slinger reported the extortion to the FBI. Agent John Newton testified that the FBI had "a great case" against **Bulger** because Slinger was willing to wear a wire and testify.

Still, the FBI took no action.

Days later, O'Neil told Slinger that he'd only have to pay $25,000, but "there wasn't going to be any FBI investigation," according to testimony in the federal court hearings.

Newton's supervisor, Bruce Ellavsky, testified that the FBI

dropped the case because the extortion stopped and Slinger no longer wanted to go forward.

Yet, Ellavsky couldn't explain why there were no FBI reports on the incident. There was no mystery about why **Bulger** and Flemmi never got caught up in an FBI investigation in the late 1980s of a Roxbury bookie who was paying them "rent" and dealing extensively with them. The pair were warned to stay away by agent John Morris because a wiretap was going into John Baharoian's office.

Morris, who had taken three bribes from **Bulger**, was concerned that the pair could give him up if they were caught and indicted.

But he also testified he was tired of the hold **Bulger** and Flemmi had on him and the relentless expansion of their criminal network. And he wanted no more blood on his hands. Leave Baharoian alone, the former organized-crime supervisor told them, "I don't want any more Hallorans."

---- INDEX REFERENCES ----

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Tuesday, March 27, 1990

METRO

# INDICTMENTS AIMED AT MOB NET PATRIARCA, 20 OTHERS USE OF ELECTRONIC SURVEILLANCE AIDS FEDERAL PROBERS IN N.E. RACKETS CASE

Elizabeth Neuffer, Globe Staff

John Ellement of the Globe staff contributed to thi story.

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 yesterday, 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.

Authorities said the indictments reveal for the first time the innermost workings of the Mafia, or La Cosa Nostra, through the successful electronic surveillance of a Patriarca family induction ceremony.

Attorney General Dick Thornburgh and FBI Director William Sessions, at a news conference in Boston yesterday, described the charges as the most sweeping attack ever launched on a single organized crime family.

"The case is important in that it represents a stake in the heart of a major organized crime family from the boss on down," Thornburgh told reporters yesterday. "It establishes beyond doubt the existence of a secret clandestine operation that takes itself very seriously in terms of the illegal operations it carries out." Also speaking at the news conference yesterday were the US attorneys for Rhode Island, Connecticut and Massachusetts.

Federal authorities said yesterday that the indictments resulted from five years worth of investigation that utilized federal undercover agents, electronic surveillance and cooperating witnesses.

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Thomas A. Hughes, the director of the FBI in Boston, said in a later interview that the successful use of electronic surveillance by federal agents to reveal the workings of a Patriarca crime family induction ceremony will forever discredit the crime family in the eyes of the Mafia.

"They have made a monumental mistake," said Hughes, adding that Patriarca and others should consider themselves "in mortal danger" from other Mafia members because of the secrets they had unwittingly exposed.

Hughes added: "There is no doubt that this is the most widespread bringing of charges against a La Cosa Nostra family in history."

Scores of federal agents swept across Rhode Island, Massachusetts and Connecticut in a series of early morning raids yesterday, arresting key leaders of the Patriarca crime family and a host of associates. All but six of the 21 named in the indictments are under arrest, authorities said.

Among those arrested and charged from Massachusetts and Rhode Island yesterday were Patriarca, alleged capo, or lieutenant, Biagio DiGiacomo, and reputed soldiers Carmen A. Tortora and Antonio L. (Spucky) Spagnola. All were ordered detained by federal magistrates in US District Court in Boston yesterday.

New charges were also brought against reputed Mafia capos Vincent M. (The Animal) Ferrara, Robert F. (Bobby Russo) Carrozza and Joseph Russo. Indicted on a 57-count indictment in November, all have been detained in federal custody until their trial.

Still being sought by federal authorities in Massachusetts yesterday were reputed Mafia soldier Angelo (Sonny) Mercurio, indicted in November 1989. Mafia associate Pasquale (Patsy) Barone is serving a state prison sentence.

Also charged in a Connecticut indictment yesterday were reputed Mafia underboss Bianco, and reputed capo Matthew L. Guglielmetti, as well as eight other Mafia soldiers In Connecticut, federal authorities arrested reputed Mafia soldier Louis Failla, 62, of East Hartford, and reputed Mafia associate John E. Farrell, 52, of Manchester.

In total, there are 113 counts against the Patriarca crime family. They are contained in three indictments returned by federal grand juries last week and unsealed yesterday. Common to each indictment are the details of the induction ceremony.

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According to the indictment, 17 members of the Patriarca family, including Patriarca and his top lieutenants, met in Medford to induct four new members. Those inducted received instructions concerning Mafia rules, and "agreed to kill individuals who would pose a threat to the organization."

Federal authorities have used the ceremony to establish that the Mafia is an "enterprise" and have then charged the defendants with committing various crimes through "a pattern of racketeering." Those elements are necessary to charge the men with the Racketeering Influenced and Corrupt Organizations Act, known as RICO.

Patriarca is charged in only one of the three indictments. The 65-count indictment also charges reputed Mafia consigliere, or adviser, Joseph Russo, reputed Mafia capos Ferrara, Carrozza, Dennis D. (Champagne) Lepore, alleged Mafia soldiers Tortora, and Mercurio and reputed Mafia associate Barone.

The indictment supersedes charges brought against Ferrara, Russo, Carrozza, Mercurio and Lepore in November 1989. In that indictment, they were accused of committing extortion, murder, robbery and narcotics trafficking through a pattern of racketeering. This indictment additionally accuses them of their role in the Mafia induction ceremony.

New to the indictment are the charges against Patriarca, Barone and Tortora. Patriarca is accused of crossing state lines to facilitate illegal gambling and the distribution of narcotics, and extortion from 1985 to 1989.

Tortora is accused of extorting money from debtors. In 1980, the indictment charges, Tortora threatened to split open the head of one debtor, Paul Alexander, or slit his throat if he failed to make weekly interest payment.

In addition to other charges, Barone is accused of three murders, including shooting and killing Vincent James Limoli Jr. in a drug dispute. According to the indictment, he told one man, Walter Jordan, that by committing murders he would "move up in the Mafia" with Ferrara.

The 152-page indictment also provides interesting insight into the structure of the Mafia and reveals how the family met periodically to arrange its distribution of power between Massachusetts and Rhode Island. In particular, the indictment indicates that the family regrouped to discuss its power structure

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in the wake of the 1989 assassination of underboss William Grasso.

The indictment also indicates the Patriarca crime family suffered from dissension between Massachusetts and Rhode Island.

As long ago as 1981, the organized crime family was holding meetings for the "purposes of receiving instructions concerning the line of authority and reporting with the Patriarca Family between Massachusetts and Rhode Island."

Those problems had not been resolved by 1989, the indictment indicates. Then, Connecticut Patriarca family members Louis R. Failla and Gaetano J. Milano objected to the instructions that they were to take problems they had to reputed capo Matthew L. Guglielmetti, saying that they wanted to see the family's consigliere, Russo.

"Who in the . . . are they to tell us we can't go directly to Boston to see the Consigliere!" Failli is quoted in the indictment as saying.

At US District Court in Boston yesterday, both Patriarca and Tortora made an inital appearance before US Magistrate Lawrence P. Cohen.

Patriarca's attorney, John F. Cicilline, said in an interview outside the courtroom that Patriarca was suffering from cancer of the urinary tract and had to have period treatments "at a hospital in Massachusetts."

Tortora, speaking through his attorney, Alan Chapman, said he lives in Brockton, is married with two children and works in his wife's video rental store in Dorchester.

The second, 37-count indictment unsealed yesterday charges reputed Mafia capo DiGiacomo, and reputed soldiers Vincent C. (Dee Dee) Gioacchini, and Spagnola with crimes including racketeering, illegal gambling, extortion and the distribution of narcotics.

Authorities said the indictment sprang from a FBI investigation that stretched from 1983 to 1987. All three are charged with extorting thousands of dollars from debtors to whom they had extended credit. Spagnolo and Digiacomo are also accused of carrying out a stolen credit card scheme from 1986 to 1987.

According to the indictment, DiGiacomo in 1986 bragged about

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his illegal gambling businesses to Ferrara, saying "I got a hundred people working for me."

Further eroding the belief that the Mafia is not involved in drug trafficking, both DiGiacomo and Spagnolo are accused of conspiring to and distributing cocaine from 1985 to 1987. Spagnolo is also accused of conspiring to distribute marijuana.

At US District Court in Boston yesterday, Spagnolo and DiGiacomo both pleaded not guilty to the charges in front of US Magistrate Joyce London Alexander.

The third indictment, returned in Hartford, charges reputed underboss Nicholas Bianco, reputed capo Guglielmetti, and a host of soldiers and associates with crimes including racketeering, conspiracy to murder, loan-sharking, illegal gambling and wire fraud.

SIDEBAR A 'BAPTISM' COMPLETE WITH THE CUTTING OF TRIGGER FINGERS

Caption: PHOTO

Raymond (Junior) Patriarca is escorted into federal court in Boston before his arraignment.

GLOBE STAFF PHOTO / GEORGE RIZER

1. Law enforcement officers escort Antonio L. (Spucky) Spagnola into federal court in Boston yesterday.

2. Reputed Mafia capo Biagio DiGiacomo smiles before his court appearance yesterday.

3. Carmen A. Tortora is led to the courthouse.

GLOBE STAFF PHOTOS / GEORGE RIZER

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Tuesday, April 10, 1990

METRO

**BALLIRO CLEARED** OF AIDING TAX **EVASION** CHARGE DISMISSED AGAINST LAWYER

Paul Langner, Globe Staff

Joseph J. Balliro, one of Boston's best-known defense lawyers for criminal cases, was acquitted yesterday in federal court of the charge that he helped a fugitive and reputed mobster evade income taxes.

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.

Judge Edward Harrington, during hearings on motions to dismiss all charges, had questioned Assistant US Attorney Robert L. Ullmann intensely, asking the prosecutor repeatedly to explain how the documents he had introduced provided evidence of Balliro's knowledge that his dealings with Caruana amounted to violations of the law.

Ullmann told the judge that at least one document dealing with the Islander Hotel investment showed that Balliro must have had reason to believe that Caruana's wealth, which he estimated at $7 million, was derived from marijuana smuggling.

Harrington also dismissed parts of the charges against Balliro's codefendants, but denied their attorneys' motions for complete dismissal. The judge gave no reasons for granting some pleas for acquittal and denying others.

Balliro, 62, said after the ruling that he would have no comment until after his three codefendants have been tried, except to say he was relieved. His lawyer, Richard Egbert, also declined comment beyond saying that Harrington's order of acquittal "takes a big load off my mind."

Ullmann said, "We can't comment. There are still three defendants on trial."




Balliro's indictment on March 23, 1989, had caused a sensation in Boston legal circles and prompted dozens of well-known members

of the Boston criminal defense bar to rally to his support.

At the time, Egbert called a press conference in his office where he and Balliro, flanked by other lawyers, announced the impending indictment before the US attorney had officially released it, and where the lawyers expressed their support and confidence that he would be acquitted.

Several attorneys said at the time that they believed the indictment was an act of retribution from the former head of the federal organized-crime strike force, Jeremiah O'Sullivan, because of Balliro's successful defense of many alleged mob figures.

Yesterday, as lawyers learned of Balliro's acquittal, they expressed approval. Some actually cheered.

Balliro's wife, Channel 7 reporter Amalia Barreta, a sister, and his daughter Julianne, also an attorney and a member of his firm, burst into tears. His son-in-law Frank Mondano and his son Joseph Jr., both practicing law in the family firm, gave a subdued cheer when Harrington ruled on Egbert's motion for acquittal.

The remaining defendants, two lawyers and a former financial adviser, now face only conspiracy charges. The charges that they committed actual crimes -- as opposed to taking part in conspiracies to do so -- have been dismissed.

Edmund Hurley, a Boston lawyer, still faces charges of helping Caruana evade taxes and of racketeering conspiracy, as does Charles Burnett, a lawyer from Florida, who also faces an indictment for allegedly using interstate telephone facilities to engage in racketeering.

Financial adviser David Gorwitz still faces the charge of assisting Caruana in evading taxes and part of the racketeering conspiracy charge brought against him. But Harrington ordered many specific instances of alleged racketeering stricken from the count against him.

All three are scheduled to proceed with their defenses this morning when the jury returns. Defense counsel have told Harrington that they don't expect the cases to take more than another two days. Closing arguments are expected Wednesday.

Lawyers Anthony Cardinale, for Burnett; Richard Wynn, for Gorwitz; and Albert Cullen, for Hurley, declined comment on Balliro's acquittal. Wynn said only that he was disappointed that his client had not been similarly cleared of all charges.

In the five-week trial in US District Court, Ullmann and his assistant prosecutor J. Dennis Saylor had introduced testimony and

documents intended to show that the four, as well as three other alleged conspirators, had engaged in buying and selling of real estate, aircraft, boats and gold and silver as a way of laundering money obtained through drug smuggling.

The indictment also charges that they were part of a scheme to set up dummy Bahamian and Panamanian corporations that would buy and sell real estate and other things with drug money, make loans to distressed individuals and corporations in the United States and then re-inject the repaid loan money into the legitimate business world.

Three of the accused conspirators never appeared in court. They are Caruana -- who has been a fugitive since April 2, 1984, when he skipped bail -- and Kendal and Rubie Nottage, a Bahamian Cabinet minister and his wife.

The strongest testimony against Balliro during the trial came from Robert I. Deutsch, a former lawyer who resigned from the bar when the Board of Bar Overseers began to investigate charges that he had stolen money from his brother's trust fund. He testified that had Balliro passed on a threat "from Providence," understood to mean the mob, that harm would come to an investment group he and Balliro belonged to, unless their interest in a lucrative property -- the Islander Hotel -- were sold.

Deutsch testified that he, Balliro, and about 14 others in the Boston area had pooled their money in 1979 to come up with $300,000 to buy the hotel. The property was worth between $1 million and $2 million in his judgment, Deutsch testified. The owner at the time, he testified, wanted to get rid of the hotel, which had proved impossible to develop because Nottage was occupying the property and refusing to leave.

Under questioning by Egbert, Deutsch admitted that the investment had become "a white elephant," and that it was the prospect of losing their investment, rather than any threats from the mob, that prompted the investors to sell.

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---- INDEX REFERENCES ----

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Sunday, December 12, 1993

METRO/REGION

# Lawyer defends his choice of clients

Matthew Brelis, Globe Staff

When Richard M. Egbert heard an assistant US attorney tell a magistrate last month that the government will move to disqualify Egbert from representing a defendant, he rolled his eyes and muttered, "Why should this day be different from any other?"

While it may not be a daily occurrence, it is happening with increasing frequency.

The US attorney's office has moved at least three other times in the past year to have Egbert disqualified in cases and Egbert said that in his 21-year career he has faced disqualification motions only a dozen times.

Prosecutors say they are forced to make the requests because Egbert has previously represented either witnesses or co-defendants in the cases, raising potential conflicts. Egbert believes it is nothing more than an effort to do away with effective competition.

Earlier this week, US Magistrate-Judge Marianne B. Bowler denied a government motion to disqualify Egbert from representing Terrence McDonough, a private investigator facing marijuana charges. Egbert successfully fought a similar motion to bar him from representing real estate broker Peter Nassif, and Arthur Eric Peach, a Dime Savings bank loan originator in a bank fraud case.

Those three, coupled with the claim last month of an organized crime strike force attorney that the government will challenge Egbert's representation of Joseph S. Mongiello Jr. in a racketeering indictment because Egbert represented the government's star witness, Burton (Chico) Krantz, have not fazed Egbert.

"I chose the profession I'm in and I'm a big boy," he said.

With the tenacity of a pit bull, the 46-year-old Newton native argues for his clients -- be they alleged Mafia members, drug dealers, politicians, real estate brokers, judges or attorneys -- and hopes to find an abuse of power by the federal government behind every indictment.

But Egbert's forte is in cross-examination.

Viewed by his colleagues in the defense bar and prosecutors as a master, he has picked at inconsistencies in the statements of government informants and made FBI agents look sinister.

"He is one of the finest criminal defense lawyers I ever saw," said attorney Earle S. Cooley, who has been practicing in Boston for 36 years. "Watching Egbert and seeing the thoroughness of his presentation is a real treat."

And unlike some of his colleagues, Egbert is not a member of a large firm with an enormous support staff. His office has one other attorney, a secretary and law clerks.

Seemingly indefatigable, Egbert prepares cases himself by working into the early morning hours fueled by coffee and Marlboro Lights.

"I earnestly believe that the government should not trample on people and that people who are indicted still deserve respect," he said. "It is my lot in life to expose unchecked government power. It needs to be checked, or we'll all end up in cages."

While he goes full-tilt into a defense, a strategy he will never employ is trying to strike a deal with the government in exchange for a client's testimony against other defendants. He refuses to work with informants, whom he calls rats.

"I'm a Jew, and I don't know how a Jew can look at the government's use of stool pigeons and not be horrified by it," Egbert said. "In death camps, Nazis offered life to one who would betray others. It horrifies me that the government would rely on purchased testimony, bribed not with money, but with freedom, the dearest thing in the world."

Egbert's remarks were called "outrageous" by Jonathan Chiel, head of the criminal division at the US attorney's office and the son of a prominent conservative rabbi.

"To equate our judicial process, centered, as it is, on the rights of the accused, with the monstrous, unparalleled acts and genocide committed by the Nazis, is an outrageous insult to all of us who believe in our democratic form of government," Chiel said. "Mr. Egbert's choice not to represent those who cooperate and provide truthful information to the government is nothing more than a strategic business decision."

A fighter from early on, Egbert once locked a high school teacher in a broom closet. He sheepishly explained that he thought

the Roxbury Latin teacher had treated him unfairly.

Egbert still does not back down from confrontations. And whether the forum is federal court or state court, Egbert has had some big victories.

In 1986, James P. Flynn was acquitted of the 1982 Boston waterfront gangland-style slayings of Edward P. (Brian) Halloran, a reputed Winter Hill gang member who turned informant, and Michael J. Donohue. Egbert's defense in that case overcame the testimony of three law enforcement officials who arrived at the shooting scene and said they heard Halloran's "dying declaration" in which he identified Flynn as his killer.

According to Egbert, his **"proudest moment"** was his **successful** representation of fellow defense attorney Joseph **Balliro,** charged with helping a reputed mobster evade income taxes. After hearing evidence in the 1990 trial, US District Judge Edward F. Harrington ordered a verdict of not guilty for Balliro.

Some prosecutors, speaking on condition of anonymity, said they think Egbert is too close to his clients who have ties to organized crime.

They point to his representation of James Martorano, a reputed Mafia lieutenant, who once worked in Egbert's office as a paralegal. The two were briefly business partners in a real estate deal.

"I had a real friendship with Jimmy," Egbert said, noting that some of the real estate deals made money and some lost money.

"I offered him a job. I don't believe in abandoning someone for life, just because they committed a crime."

Egbert has represented Francis P. (Cadillac Frank) Salemme, the reputed head of the New England Mafia; is currently representing Salemme's son, Frank, in a labor racketeering trial that will start next year; and also has alleged organized crime leader Stephen (The Rifleman) Flemmi as a client.

Egbert bristles at being described a mob lawyer.

"It is unfair and I object to it," he said. "Out of my practice, 20 percent tops is what is publicly described as organized crime." He said that his clients also include lawyers and judges whom he has represented in closed hearings and would not identify.

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GRANTING COMMUTATION HEARING

W-31834
Norfolk

PETITIONER: Lindsey, Peter

OFFENSE:

SENTENCE:

EFFECTIVE DATE:

DATE PETITION RECEIVED:

| | | |
|---|---|---|
| ___ GRANT<br>✓ DENY<br>___ DENY WITHOUT PREJUDICE | Mr. Albano<br>DATE: 6/1/90 | COMMENTS: Given the 1987 [illegible] Board recommendation and [illegible] concerns, I see no reason to [illegible] favorably on the petition. Although the petitioner's institutional record is positive [illegible] accomplishments. Given the gravity of the offense and continued relationships, the petition does not warrant Executive Clemency. |
| ___ GRANT<br>___ DENY<br>___ DENY WITHOUT PREJUDICE | Mr. Burke<br>DATE: ___ | COMMENTS: |
| ___ GRANT<br>✓ DENY<br>___ DENY WITHOUT PREJUDICE | Ms. Jones<br>~~Mr. Curran~~<br>DATE: 6/12/90 | COMMENTS: No merit |
| ___ GRANT<br>✓ DENY<br>___ DENY WITHOUT PREJUDICE | Ms. Hooley<br>DATE: | COMMENTS: Prior Petitioner has had 2 full hearings on the matter of clemency |
| ___ GRANT<br>✓ DENY<br>___ DENY WITHOUT PREJUDICE | Mr. Myers<br>DATE: 6/1/90 | COMMENTS: |
| ___ GRANT<br>✓ DENY<br>___ DENY WITHOUT PREJUDICE | Mr. Gittens<br>DATE: 6/21/90 | COMMENTS: Based on petitioner's [illegible] in spite of the circumstances of his most recent return to higher custody, executive clemency is not warranted at this time. |
| ___ GRANT<br>✓ DENY<br>___ DENY WITHOUT PREJUDICE | Ms. Suber<br>DATE: 6/13/90 | COMMENTS: |

EXHIBIT
842

July 19, 1990

PERSONAL

Mr. John M. Morris
Federal Bureau of Investigation
Boston, Massachusetts

Dear Mr. Morris:

I have completed my review of the administrative inquiry concerning your involvement in unauthorized disclosures of information to the Boston Globe newspaper. That inquiry determined that pursuant to your association with a Boston Globe reporter, you were involved in two instances of unauthorized disclosures of information, both of which involved materials published in the Boston Globe. One unauthorized disclosure was associated with the identity of an informant, and the other concerned information derived from an extremely sensitive public corruption investigation.

The Manual of Administrative Operations and Procedures (MAOP), Part I, Section 1-19 (1) requires all FBI personnel to keep information acquired in their official capacities strictly confidential, and MAOP, Part II, Section 5-1 et seq. generally prohibit contacts with the media concerning investigative matters by any personnel other than Special Agents in Charge, Assistant Special Agents in Charge, and media representatives. At the time of your unauthorized disclosures, the Special Agent in Charge of the Boston Division had adopted a policy mandating that no employee of the Division should have any contact with, or make any type of statement to, any member of the media without his or an Assistant Special Agent in Charge's authorization. Your conduct in both disclosure incidents violated the aforesaid regulations and policies, and your judgment in each instance was unacceptable for any Agent, let alone one of your tenure and experience. In fact, your conduct created exactly the type of situation which those regulations and policies were devised to avoid.

SUBJECT TO PROTECTIVE ORDER

1 - SAC, Boston (Personal Attention) - Enclosure (See Note Page 2)
67-693564
1 - OPR (263-1015)
1 - Boston Division Personnel File
Based on memorandum from J. N. Melsten III to Mr. Kennedy, 7/11/90,
JFH:jll
JFH:jll (6)

MAILED 1
JUL 20 1990
FBI

APPROVED:

EXHIBIT
843

OCT 12 1990

Mr. John M. Morris

In assessing your culpability in this matter, I have weighed your prior exemplary performance, steadfast assurance that you had not intended any unauthorized disclosures, and the trying personal circumstances with which you were confronted at the time of the incidents. However, I still cannot excuse the unprofessional deportment and unacceptable judgment you exhibited by your conduct, particularly since I believe you also exhibited a general lack of forthrightness concerning your media contacts both with your Special Agent in Charge and during the administrative inquiry.

Accordingly, to impress upon you the seriousness with which I view your conduct in this matter, I am placing you on one year's probation and suspending you from duty without pay from the close of business July 20, 1990 through the close of business August 3, 1990. During this period, your overall performance and effectiveness as a Supervisory Special Agent will be carefully reviewed, and I expect that I will not have such issues concerning you brought to my attention again. Should there be any such recurrence, I want to assure you that I will not hesitate to take more severe administrative action, up to and including dismissal.

Very truly yours,

Weldon L. Kennedy
Assistant Director
Administrative Services Division

NOTE: The enclosed letter should be delivered to the employee at which time it should be ensured that the employee fully understands the reason for the Bureau's action.

This employee should be closely supervised. At the expiration of one year, a recommendation should be submitted as to whether the employee should be removed from probation, at which time a determination will be made by the Bureau. Period of probation should begin the first working day upon return to duty.

Bureau property in the custody of this employee should be secured and retained until employee returns to duty.

Furnish employee with a copy of Standard Form 8, Notice to Federal Employee about Unemployment Compensation before he ceases duty.

2

SUBJECT TO PROTECTIVE ORDER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| PATRICIA DONAHUE, Individually, and in her Capacity as Administratrix of the Estate of MICHAEL J. DONAHUE, MICHAEL T. DONAHUE, SHAWN DONAHUE, and THOMAS DONAHUE, Plaintiffs, | ) | CASE NO.: 01-CV-10433-RGS |
| v. | ) | |
| FEDERAL BUREAU OF INVESTIGATION, JOHN J. CONNOLLY, JR., JOHN M. MORRIS, LAWRENCE SARHATT, ROBERT FITZPATRICK, and UNITED STATES OF AMERICA, Defendants. | ) | |

**AMENDED COMPLAINT AND DEMAND FOR JURY TRIAL**

**INTRODUCTION**

This Complaint arises out of the murder of Michael J. Donahue, which occurred on May 11, 1982. The plaintiffs are the wife and children of Mr. Donahue, and Mr. Donahue's estate. It is alleged that the named defendants, former supervisors and agents of the Boston Field Office of the Federal Bureau of Investigation ("FBI-Boston"), along with the Federal Bureau of Investigation ("FBI") caused Mr. Donahue's murder, which was physically committed by James J. Bulger.

By this action, the plaintiffs seek redress for the defendants' unlawful and inappropriate actions which resulted in Michael J. Donahue's murder, including, *inter*



## GENERAL ALLEGATIONS

### A. Participants and the Relationship between FBI – Boston and Organized Crime

16. The defendant CONNOLLY became a Special Agent of the Federal Bureau of Investigation ("FBI") in November 1968. From February 1973 until his retirement in December 1990, CONNOLLY was assigned to the Boston Field Office of the FBI. See *Connolly Indictment*, at 1.[4]

17. From 1970 until in or about December 1995, the defendant MORRIS was an FBI Special Agent. From approximately March 1972 until approximately November 1991, MORRIS was assigned to the FBI's Boston Field Office ("FBI-Boston"). At all relevant times, MORRIS was a Supervisory Special Agent and the direct supervisor of CONNOLLY as head of FBI-Boston's Organized Crime Squad.

18. The defendant SARHATT was, at all relevant times beginning in 1979, the Special Agent in Charge ("SAC") of FBI-Boston, and therefore the supervisor of CONNOLLY and MORRIS. In this role, SARHATT was first in command of FBI-Boston.

19. The defendant FITZPATRICK was, at all relevant times beginning in January 1981, the Assistant Special Agent in Charge ("ASAC") of FBI-Boston, and therefore the supervisor of CONNOLLY and MORRIS. In this role, FITZPATRICK was second in command of FBI-Boston.

20. At all times material to this Complaint, James J. Bulger ("Bulger") and Stephen Flemmi ("Flemmi") were leaders of the Winter Hill Gang, "a clandestine

[4] *United States v. John J. Connolly, Jr. et al*, U.S. District Court for the District of Massachusetts, Docket No. 99-CR-10428-JLT, Paper # 158, Superceding Indictment, returned and filed October 11, 2000. The plaintiffs expressly incorporate the entirety of this superceding indictment herein.

The Commonwealth of Massachusetts
Advisory Board of Pardons
27-43 Wormwood Street, Suite 300
Boston, Massachusetts 02210-1606
(617) 727-3271

**In the matter of**
**JOSEPH SALVATI**
**Petitioner for Commutation**
**OPINION**

*YOUR EXCELLENCY*

The Advisory Board of Pardons respectfully submits this report and recommendation concerning the commutation petition of Joseph Salvati. Mr. Salvati is serving a life sentence for murder in the first degree imposed on July 31, 1968 in Suffolk Superior Court.

The Board conducted a public hearing regarding this petition on August 21, 1989.

After due consideration, the Advisory Board of Pardons, by unanimous vote, recommends approval of this petition. The reasons for this recommendation are set forth below:



The transcript from trial, as summarized by the Supreme Judicial Court, demonstrated that a conspiracy to murder Deegan and Stathopolous was hatched in January 20, 1965 when codefendant Peter Limone, a "loan shark", offered codefendant Joseph Barbosa $7,500 to kill Deegan. This "contract" for Deegan's life was approved by the "office" (the Cosa Nostra), and was being offered because Deegan participated in various acts against "the organization." The results of Limone and Barbosa's conversation are unclear. However, Barbosa then proceeded to hire help for the killing. The people he hired were Ronald Cassesso, Chico Amico, Romeo Martin, Louis Greico, Wilfred Roy French, and Joseph Salvati.

Mr. Salvati was initially involved in the crime by Cassesso, an associate of Barbosa. According to Barbosa, he did not know Salvati until February 1965. On March 12, 1965 Cassesso approached Salvati and convinced him to join the conspiracy. At some point the co-conspirators agreed to divide the fee for the "contract", and Salvati was promised $750 for the Deegan killing and an unspecified amount for the Stathopoulos killing.

On March 12, 1965, the day of the killing, at

> [a]bout 7p.m. Baron, Cassesso, Salvati, Martin, and Amico met at the Fleet Street apartment. Salvati distributed silk gloves and, from a weapons stockpile kept by Cassesso, issued .357 magnums to Baron [Barbosa] and Cassesso. . . . Baron later gave Salvati his own .38. For disguises, Baron and Cassesso each "had phony glasses and a mustache," Salvati "had glasses and a mustache and a wig that made him look bald,". .

Id. at page 366.

At about 9 p.m. on March 12, 1965 Salvati was in the rear seat of a car with Barbosa driving and Cassesso in front. They parked around the corner from the alley where the killing was to take place. Salvati waited in the car while Barbosa and Cassesso got out and conferred with Greico and Martin, who were parked near them. Before getting

**PROCEDURAL HISTORY**

Petitioner, Joseph Salvati, after a trial by jury, was convicted in Suffolk Superior Court, on July 31, 1968, for the crime of being an accessory before the fact of murder in the first degree of Edward Deegan. Petitioner was sentenced to life imprisonment for Mr. Deegan's murder pursuant to Massachusetts General Laws, Chapter 265, section 1 and Chapter 274, section 2. The Petitioner was also convicted of one count of conspiracy to murder Edward Deegan, and one count of conspiracy to murder Anthony Stathopolous. For these crimes the petitioner was sentenced to two years to a house of correction which the court ordered served concurrently with the life sentence, and to a one year house of correction sentence ordered served from and after the two year sentence. The effective date of sentence was July 31, 1968.

The conviction was appealed, and on May 4, 1970 the Supreme Judicial Court affirmed the judgment.

**FACTS OF THE CRIMINAL OFFENSE**

The facts of Mr. Salvati's offense are gleaned from the Supreme Judicial Court's opinion in Commonwealth v. Wilfred Roy French (and five companion cases), 357 Mass. 356 (1970), attached hereto as Exhibit D.

On March 12, 1965, at 11 p.m. in Chelsea, Edward Deegan was found dead with six gunshot wounds in his body. Approximately one and one-half hours earlier, Anthony Stathopolous, Wilfred Roy French, and Edward Deegan were attempting to rob a store in Chelsea. Deegan and French entered an alley; a volley of shots rang out; French reappeared, joined by another man identified as Louis Greico who had a gun in his hand; someone said "get him too"; and Stathopolous sped away.

back into their car, the two bent the license plates so as to obscure the numbers. They drove around "several blocks" and waited. According to plans made previously, Salvati was to take the wheel and block Stathopoulos' car so he could not escape. Before this could happen, a passer-by in civilian clothing (later identified as a Chelsea police captain) noticed the bent plates and started to approach the car. Barbosa, thinking that the passer-by was the "law", became frightened and sped away. He dropped off Cassesso to warn Amico about the problem, and he and Salvati unbent the license plates.

Barbosa and Salvati then went to the Ebb Tide Restaurant to wait for the others to arrive. They later did, and reported that Deegan had been killed, but that Stathopoulos had gotten away. According to Barbosa's trial testimony, French arrived about a half hour later and said that he, Greico, and Martin had killed Deegan. French was surprised to see Stathopolous leaving the scene of the crime, expecting him to be killed also. Barbosa then related his side of the story.

On the next day Salvati received his share of the money from Barbosa in Cassesso's apartment as did Amico and Martin.

## SOCIAL HISTORY

### FAMILY

Joseph L. Salvati was born on October 30, 1932 in Boston, Massachusetts to Mary (Repucci) and Anthony Salvati. Petitioner is the second of five children. He has two brothers and two sisters.

On August 23, 1953, at the age of 20, the petitioner married Marie Moschella, also of Boston. The marriage resulted in five children: four daughters and one son. One daughter, who suffered from Down's Syndrome, died at the age of three. The current

ages of the other four children are 36, 34, 32, and 28. The petitioner was reported to have been a good husband and father. The marriage had been a happy one with the petitioner supporting the family adequately.

To date, the petitioner has remained married to his wife. She currently resides in Boston. According to a classification report dated August 3, 1988 the petitioner receives strong family support from his wife and four children. He receives weekly visits from family members which include his wife, children, parents, and in-laws.

**EDUCATION**

Mr. Salvati attended the Michaelangelo School through the ninth grade. He then attended Brighton High School and graduated from there in 1951.

**EMPLOYMENT**

At the time of his arrest, the petitioner was employed as the manager at Eric's Lounge on Washington Street in Boston. He had been so employed for one month. Prior to this, the petitioner had been employed primarily as a truck driver working for various companies including the Service Express Company of Everett, the DiNapoli Trucking Company of South Boston, the Fish Transportation Company of Boston, and the Central Beef Company of Roxbury. He has also worked on a fish pier loading boats. Mr. Salvati had consistently worked prior to his incarceration.

**MILITARY**

Petitioner has no prior military involvement.

**PRIOR CRIMINAL RECORD**

Mr. Salvati's criminal record consists of the following convictions and court appearances:

1. **Larceny:**

   Suffolk Superior Court. The petitioner was arrested in April 1955 for the above crime, but was not convicted. This crime is related to the following two offenses.

2. **Breaking and Entering a Building in the Nighttime:**

   Suffolk Superior Court. Petitioner was arrested in April 1955 for the above crime. On June 8, 1955 he received a one year house of correction sentence. This sentence of imprisonment was suspended and Mr. Salvati placed on probation for three years. Probation ended successfully on June 25, 1958.

3. **Possession of Burglar's Instruments:**

   Suffolk Superior Court. Petitioner was charged in May 1955 with the above crime. He was sentenced on June 8, 1955 to a one year house of correction sentence and three years probation. This sentence ran concurrently with the one related above. Probation ended as above.

4. **Not Keeping Right While Travelling on a Public Way:**

   Middleborough Court. Petitioner was convicted in August 1958 for the above crime, and was ordered to pay a twenty dollar fine.

5. **Speeding:**

   Westborough Court. Petitioner was convicted in December 1960 for the above crime, and was ordered to pay a fifteen dollar fine.

6. **Larceny:**

   Boston Municipal Court. Petitioner was charged with the above crime in May 1966. The charge was filed later that month. This charge is related to the following two offenses.

7. **Receiving Stolen Goods:**

   Boston Municipal Court. Petitioner was charged with the above crime in May 1966. The charge was filed later that month.

8. **Conspiracy to Steal:**

Boston Municipal Court. Petitioner was charged with the above crime in May 1966. The charge was filed later that month. This charge is related to the above two offenses.

9. **Isolated Stop Street:**

Boston Municipal Court. Petitioner was charged with the above crime in July 1966. He defaulted.

## INSTITUTIONAL HISTORY

Mr. Salvati is 58 years of age and has been incarcerated for the past 23 years. This is his first incarceration of any kind.

## CHRONOLOGICAL MOVEMENT

Mr. Salvati's institutional record indicates the following movement through the system:

| | |
|---|---|
| July 31, 1968 | Sentenced and committed to MCI-Walpole. |
| August 31, 1973 | Transferred to MCI-Framingham. |
| Dec. 18, 1981 | Transferred to Bay State Pre-Release Center. |
| January 6, 1982 | Returned to MCI-Concord (pending investigation into gambling activities) |
| January 6, 1983 | Transferred back to Bay State Pre-Release Center (exonerated of all charges) |
| January 11, 1983 | Transferred to Park Drive Pre-Release Center. |
| January 8, 1986 | Returned to MCI-Concord (pending investigation, nature unknown) |
| June 10, 1986 | Transferred back to Park Drive Pre-Release Center (cleared of any wrongdoing) |

| | |
|---|---|
| Dec. 14, 1986 | Returned to MCI-Concord (pending investigation, disciplinary report subsequently issued for selling watches to inmates) |
| Feb. 20, 1987 | Transferred to Northeastern Correctional Center. |
| Dec. 30, 1987 | Returned to Old Colony Correctional Center, per Commissioner's special emergency powers. |
| April 8, 1988 | Transferred to MCI-Norfolk. |

Mr. Salvati's institutional record indicates four returns to higher custody. However, the only return which appears to have been for disciplinary reasons was that of December 14, 1986. The prior two returns were for suspected wrongdoing. However, Mr. Salvati was cleared of any wrongdoing both times. The most recent return to Old Colony Correctional Center was a result of his first degree lifer status and the projected amendment of the General Laws to exclude offenders serving a life sentence for first degree murder from furlough eligibility and minimum security housing. M.G.L. c. 127, s. 90A, as amended by 1988 Mass. Laws c. 24.

**DISCIPLINARY HISTORY**

The petitioner has received only three disciplinary reports in 23 years of incarceration. All have resulted in guilty findings. The dates, offenses, and dispositions are as follows:

| | |
|---|---|
| January 1, 1975 | Under the influence, being present where contraband is found (wine, whiskey, vodka). Guilty, assigned eight hours extra work. |
| June 19, 1975 | Abusive language. Guilty, given a warning. |
| January 6, 1987 | Disobeying an order, giving or accepting anything of value (selling watches to inmates). Found guilty and given five days isolation, suspended for 30 days, with the recommendation that Mr. Salvati retain his minimum security status. However, Mr. Salvati was returned to higher custody as a result of this activity. |

**PROGRAM INVOLVEMENT**

Mr. Salvati's program involvement has been minimal throughout his incarceration. His activities are mostly confined to work positions. His more responsible work assignments include being manager of the co-op store and clerk to the Catholic chaplain. He also worked in the Community Program for the Elderly, which involves activities such as escorting the elderly on walks and doing their shopping. The petitioner's program involvement consists of participating in Computer Fundamentals at MCI-Framingham and the Italian-American Club at MCI-Norfolk. There is also some indication of some volunteer work as a carpenter's assistant.

**FURLOUGH INVOLVEMENT**

According to Department of Correction records, Mr. Salvati successfully completed 176 furloughs during his incarceration, starting in December 24, 1979 from MCI-Framingham and ending in November 29, 1988 from Park Drive Pre-Release Center. Petitioner also participated in the furlough program while at Bay State Pre-Release Center. Petitioner claims to have participated in 204 furloughs while incarcerated. Petitioner is now precluded from furloughs due to his first degree lifer status. M.G.L. c. 127, s. 90A.

Mr. Salvati's furlough sponsor was his wife, Marie Salvati of Boston. He spent his furloughs visiting with his family and speaking to church groups, youth groups, and other community organizations in the North End of Boston.

**FUTURE PLANS**

If granted a commutation of sentence and released from incarceration, Mr. Salvati will reside at the home of his wife at 18 Wiget Street, Boston, Mass. He will try to become closer to his family of four children and four grandchildren.

He plans to work for the Marotta Companies, located at 92 High Street in Medford, Mass., a company owned by Angelo Marotta, Mr. Salvati's first cousin.

## COMMUNITY SENTIMENT

Five individuals appeared at Mr. Salvati's commutation hearing in support of his release from incarceration. In addition, there are letters of support from individuals in the community, including the prosecuting attorney from his trial and the policeman who conducted the investigation.

No one spoke in opposition to the commutation. The Advisory Board received a letter opposing commutation from the Office of the District Attorney for Suffolk County.

**PROCEEDINGS BEFORE THE BOARD**

Mr. Salvati appeared before the full available membership of the Advisory Board of Pardons on August 21, 1989. The members present included then-chairman John J. Curran, present chairman Robert P. Gittens, Donald Myers, Ruth Suber, and Joyce Hooley.

At his hearing Mr. Salvati denied having any involvement with the contract killing of Edward Deegan. He also denied ever personally knowing any of the persons allegedly involved with the killing, having only "seen them around" the North End. He admitted, however, that his connection to Mr. Barbosa was more than a passing acquaintance, but such was limited to borrowing a sum of money once from Mr. Barbosa.

The Advisory Board pointed out to the petitioner that he admitted in his trial that he had been in an apartment with Mr. Barbosa and Mr. Cassesso once when Mr. Barbosa stabbed a Mr. Juan Silvetti, who had been chased into the apartment building by Mr. Barbosa. Petitioner admitted this to be true, but said that he was not there as part of the crime, but only to talk to Mr. Barbosa about other things. He also claimed that he was never in the apartment, but only out in the hallway when the stabbing occurred.

Mr. Salvati emphasized that his conviction was based solely on Mr. Barbosa's testimony, and claimed that he was framed by Mr. Barbosa because of a "grudge" that Barbosa held against him. This feeling of malice involved a repayment of a loan from Mr. Barbosa. Petitioner claims that he once borrowed $400 from Barbosa and his partner, a Mr. Tashi. He paid them back as he could, but the interest caused the amount owed to grow very quickly. Mr. Salvati believes that he paid back at least $1000 before he refused to pay anymore. When he was threatened by Mr. Barbosa, he didn't acquiesce to his demands, fostering Mr. Barbosa to hold a deep-seated resentment against him that later led to his being named as a party to the killing.

When questioned on these statements, Mr. Salvati stated that Barbosa was an "evil" man who would do such a thing just to get revenge. He also pointed out that his conviction was based solely on Mr. Barbosa's testimony.

Petitioner was in the Charles Street Jail awaiting trial for ten months. His lawyer visited him only three times during this incarceration. At the time Mr. Salvati gave the lawyer leads to investigate as to his whereabouts on the evening of the crime, but his lawyer never followed up on them, nor did he produce any of the requested witnesses. Mr. Salvati does not now remember where he could have been that night.

Mr. Salvati claims that he never took a polygraph test to help verify his story, that he was given no opportunity to plea bargain, and that he was never asked to be a witness for the Commonwealth.

Before his arrest Mr. Salvati claims to have worked three jobs, but none regularly. He claims to have always been employed, either as a longshoreman, a truck driver, or at the coliseum. These were daily jobs with no regular paycheck.

Mr. Salvati claims that he has not stopped working since his first week of incarceration. He has worked in the print shop and was the clerk for Father Foley at MCI-Walpole. While he was there, he also helped form an art club and a Christian Action Group choir. He also claims to be the first lifer to get a furlough.

In 1973 he was transferred to MCI-Framingham as a Cadre cook. He then got a job as the manager of the co-op store, where he handled money, orders, and inventory. He then went to Park Drive Pre-Release, where he worked as a Cadre cook and was responsible for the kitchen for four and one-half years. While there, he also helped an elderly woman with her shopping and other chores.

The Advisory Board questioned Mr. Salvati about his only major Disciplinary Report, received in January 1987. According to Mr. Salvati, he went on a furlough and bought some inexpensive watches for Christmas gifts. He had them in the kitchen where

he was working and one of the other inmates commented on them. Petitioner lent them to the inmate to show to his wife, and asked him not to offer them to anyone else. Petitioner said that if the inmate's wife liked them he would tell the inmate where to get them. The inmate was later caught trying to sell the watches to other inmates, and they both received disciplinary reports. Petitioner denies having any intention of selling the watches.

The Board also questioned a link between the petitioner and Frank Oreto. In 1986 Mr. Salvati was reprimanded for consorting with Frank Oreto, who at the time was under investigation for and currently is under indictment in the U.S. District Court, Boston, for loansharking and other rackeetering activities. Petitioner said that the only reason for his contacting Mr. Oreto was his interest in selling him a car. Petitioner claims that his son couldn't sell an antique car that he owned, and someone at Park Drive Pre-Release mentioned that Frank Oreto was interested in antique cars. This person also mentioned that Mr. Oreto worked at Fassad's Restaurant. Mr. Salvati looked up the number and called him there to discuss the possibility of his purchasing the automobile. Mr. Oreto later came to look at the car, but was not interested. During the course of their talks, Mr. Salvati called Mr. Oreto a few times both at home and at work, and discussed not only the automobile, but plans for his son's wedding, which Mr. Oreto had suggested be held at Fassad's. Mr. Salvati's voice was recorded on a wiretap during an investigation of Mr. Oreto, but no charges were filed against Mr. Salvati.

When asked about his future plans, Mr. Salvati stated that he would work for his first cousin Angelo Marotta at Marotta Realty in Medford. He plans to maintain his family, which now numbers four children and four grandchildren.

Five people spoke in favor of the commutation of Mr. Salvati. They were his wife, Marie Salvati, his daughter Maria, his daughter Gail, his cousin Angelo Marotta, and Arthur Latessa, currently the superintendent of MCI-Norfolk. In addition, two letters were

received in his support - one from Jack Zalkind, the prosecutor of the original case (now in private practice), and one from Detective Sergeant Frank Walsh, retired, of the Boston Police Dept., the chief investigator of the original crime.

**OPINION OF THE ADVISORY BOARD OF PARDONS**

Notwithstanding Mr. Salvati's continued assertion of innocence with regard to the offenses for which he is imprisoned, the Board premises its analysis of this petition on Mr. Salvati's having been lawfully convicted of all offenses and that the convictions in this case remain undisturbed despite subsequent court reviews. As such the Board looks to other factors in assessing the appropriateness of this petition.

Mr. Salvati has served over 22 years of incarceration for this offense in an exemplary fashion, compiling a very impressive institutional record. He accumulated only three disciplinary reports during this entire period. Until being barred from the furlough program because of his status as a first degree lifer, he had successfully completed slightly under 200 furloughs.

In addition to strict adherence to the rules and regulations of the various institutions in which he has been incarcerated, Mr. Salvati has been a productive member of the prison population, consistently holding positions of responsibility in practically all of the various institutions in which he has been housed. His hard work and good attitude have won him the praise of many correctional officials, including the superintendent of MCI-Norfolk.

The Advisory Board also weighs the petitioner's very limited role in the offense in considering this petition. Mr. Salvati was always considered by law enforcement officials as the least important of the six participants in the crime. His role in the offense was

limited in nature, having nothing to do with the planning of the crime, and nothing to do with it's actual execution. Indeed, he was charged as an accessory before the fact and with conspiracy to murder. The jury recommended that the death penalty not be imposed, albeit, such was recommended for one other defendant (French). Further, the petitioner has a limited prior record, with no violent acts ever recorded prior to his most recent conviction.

An important consideration is the continued strong support of his entire family during his over 22 years of incarceration. Most of his numerous furloughs were taken to visit them. This support shows that the petitioner will have a stable place to live if he is allowed out of prison.

It is also worthy to note that both the prosecutor of the case, Attorney Jack I. Zalkind, and the chief investigating officer, former Detective Sergeant Frank Walsh, have written in support of commutation for the petitioner. Attorney Zalkind indicated to the Advisory Board that had Mr. Salvati offered to plead guilty to second degree murder prior to the trial, the Court would have accepted his plea. Had the petitioner so plead, he would be eligible for parole after serving fifteen years of his sentence.

Finally, and importantly, in consideration of all the cumulative factors in this case, the Advisory Board believes that the petitioner is unlikely to be involved in any further criminal activity and therefore does not pose a risk to the safety of the community. This opinion is shared by law enforcement officials.

**RECOMMENDATION**

The petitioner, Joseph Salvati, has maintained an exceptionally favorable institutional record throughout his more than 22 years of incarceration. This fact, along with his limited participation in the crime, strong family support, and the support from the prosecuting assistant district attorney and the chief investigating officer, combine to make a case for a favorable recommendation for Your Excellency.

The Board notes the opposition of the District Attorney for Suffolk County to any relief for this petition. We believe, however, that in balancing all of the factors presented by this petition, a grant of executive clemency is warranted at this time.

Accordingly, the Advisory Board of Pardons recommends commutation of Joseph Salvati's life sentence to a term of 33 years to life. If Mr. Salvati's life sentence is commuted to said term of years, the Board would establish parole eligibility after Mr. Salvati serves one year in a pre-release center.

Respectfully submitted,

Advisory Board of Pardons

April 29, 1991

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| PATRICIA DONAHUE, Individually, and in her Capacity as Administratrix of the Estate of MICHAEL J. DONAHUE, MICHAEL T. DONAHUE, SHAWN DONAHUE, and THOMAS DONAHUE, Plaintiffs, | ) | CASE NO.: 01-CV-10433-RGS |
| v. | ) | |
| FEDERAL BUREAU OF INVESTIGATION, JOHN J. CONNOLLY, JR., JOHN M. MORRIS, LAWRENCE SARHATT, ROBERT FITZPATRICK, and UNITED STATES OF AMERICA, Defendants. | ) | |

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Memorandum

To : SAC, BOSTON (29A-BS-59014) (P) (C-11) Date 11/25/91

From : SA JEAN F. WYNN

Subject: ANGELO MAROTTA,
dba BEACH REALTY TRUST;
MAROTTA COMPANIES REALTY TRUST;
HOMEOWNERS SAVINGS BANK;
BURLINGTON, MASS. - VICTIM
BF&E
OO: BS

DOMENICO'S PASTRY SHOP, 4110 Mystic Valley Parkway, Medford, Mass., telephone [redacted], is an Italian pastry and coffee shop, hours Sunday - Thursday, 7 a.m. to 12 midnight, Friday and Saturday, 7 a.m. to 2 - 3 a.m. It is located approximately in the middle of a strip of about eight stores, which includes a LENS CRAFTERS shop, a baby furniture shop and a video rental. The strip of stores was built within the last two years.

Until about three months ago, DOMENICO'S occupied the last store front, that is, the northeast corner location. [redacted] B

[redacted] Writer herself observed MAROTTA at DOMENICO'S on 11/19/91 at approximately 11 a.m. seated alone near the front window of the establishment, making phone calls on a cordless telephone. Both he and others in the shop appeared very alert to who was coming in or walking by to the extent of seeming "surveillance conscious."

1 - 92A-2557 (C-3)
1 - SSA MORRIS (C-1)
2 - 29A-BS-59014
JFW/dw
(4)

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EXHIBIT 847

FBI - BOSTON

29A-BS-59014

[redacted] B

It is noted that JOE "The Horse" SALVATI is a first cousin of MAROTTA and during a letter-writing campaign to win a sentence commutation for SALVATI, 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.

[redacted] B

The Tulsa Tribune
Copyright 1992

Thursday, January 23, 1992

NEWS

# Reputed mobsters admit racketeering

AP

BOSTON (AP) _ Five reputed mobsters pleaded guilty Wednesday to charges including racketeering, drug trafficking and conspiracy to commit murder in the climax of a five-year federal crackdown on organized crime.

But each denied belonging to any syndicate.

Under a plea agreement reached on the 12th day of their trial, they will serve from 13 to 22 years in prison and forfeit millions of dollars in assets.

The government agreed to grant the men immunity from prosecution for two murders and an attempted murder. The defendants also will be spared having to testify in future probes of the New England mob.

The deal will be formalized when U.S. District Judge Mark Wolf convenes a formal sentencing hearing April 9.

Raymond "Junior" Patriarca, whose father founded the New England Patriarca crime family, pleaded guilty himself last month to conspiracy and racketeering charges. Patriarca also denied belonging to a syndicate.

Tom Hughes, FBI special agent in charge, said the defendants were members of the Patriarca family. He said the guilty pleas "will take this family off the face of the map."

The case was distinguished as the first instance in which law enforcement authorities tape-recorded an apparent Mafia initiation ceremony, complete with secret oaths. The same evidence helped convict eight other New England Patriarca crime family operatives in Hartford, Conn., in August 1991.

Joseph Russo, 60, allegedly ran mob operations in the Boston area in the 1980s and is suspected in the 1976 San Francisco murder of a Mafia informant.

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He acknowledged that the government had sufficient evidence to convict him of murder, and the judge found him guilty of conspiracy to commit murder.

Russo will have to serve 16 years and forfeit $758,000. He will be immune from prosecution for the 1989 murder of a Hartford mob underboss and the attempted murder of a reputed Boston Mafia soldier.

"I do not admit that I am a member of La Cosa Nostra, the Patriarca family or the Mafia," Russo said. "What I do admit is that I am associated with my co-defendants."

The other defendants each made that caveat a condition of their guilty pleas.

Vincent Ferrara, got 22 years and won immunity from prosecution for murder and attempted murder. He was ordered to pay $1.1 million.

Robert Carrozza, 51, was given 19 years and ordered to pay $878,200. He received immunity from prosecution for murder and attempted murder.

Dennis Lepore, 45, got 14 years and will have to pay $766,700. Carmen Tortora, 44, was given 13 years and will have to pay $2,000.

--- INDEX REFERENCES ---

EDITION: FINAL HOME

Word Count: 422

1/23/92 TULSAWORLD 4A

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The Orange County Register

Thursday, January 23, 1992

NEWS

NATION BRIEFLY
:From Register news services

Sheriff kills self 1 day after theft probe launched

A sheriff fatally shot himself Wednesday in Bristol, Va., a day after a grand jury began investigating whether he embezzled $370,000 in payments to house out-of-town prisoners in his jail, authorities said.

Sheriff Marshall E. Honaker, 55, shot himself in the chest with a 12-gauge shotgun, City Manager Paul Spangler said. Honaker, who was found in his office, was pronounced dead on arrival at Bristol Regional Medical Center in Tennessee.

Honaker took a leave of absence and resigned as president of the National Sheriff's Association after federal agents raided his office and home Jan. 10 and seized evidence for their investigation.

5 plead guilty: Five accused members of New England's largest crime family pleaded guilty Wednesday in Boston to racketeering, kidnapping and murder charges but denied they belonged to the Mafia.

During a daylong change-of-plea hearing held on the day that was to have been the start of their trial, guilty pleas were offered by Joseph Russo, Vincent Ferrara, Robert Carroza, Dennis LePore and Carmen Tortora.

The five were accused members of the Patriarca crime family, a Providence, RI, organized crime group believed to be the largest in New England.

"In pleading guilty I do not admit to membership in La Cosa Nostra, The Family, the Mafia or any secret organization," Russo told the court. "I admit to being a member of an enterprise that committed the stated crimes."

The other four also denied they were members of the Mafia.

Tips for tools? A killer stockbroker was returned to New Haven,

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Conn., on Wednesday as authorities investigated the possibility that he got prison staff to smuggle him escape tools in exchange for stock market tips.

Frank Vandever, a former stockbroker serving a 40-year sentence for killing a client, was captured in New Jersey on Saturday, 18 days after he and another inmate escaped from Somers State Prison.

State Police Lt. Eugene Sullivan said the tips-for-tools scenario was one of many leads being investigated.

Bumpers blasted: The bumpers on most small domestic and imported passenger cars are poorly constructed and fail to prevent costly damage in low-speed crash tests, an insurance industry research group said Wednesday in Washington, DC.

Reporting on the results of tests in which two dozen cars were deliberately rammed into a variety of barriers at 5 mph, the Insurance Institute for Highway Safety said it is clear that the auto industry has "bumped damage resistance to a secondary concern."

Ex-teacher on trial: Former schoolteacher Carolyn Warmus went on trial Wednesday in White Plains, NY, for the second time, accused of murdering the wife of her lover in a case dubbed the "Fatal Attraction" trial.

Warmus, 28, allegedly killed Betty Jeanne Solomon on Jan. 15, 1989, in the Solomons' Greenburgh, NY, apartment.

Her first trial ended last April with a hung jury and was declared a mistrial.

William Aronwald, Warmus' defense attorney, told the six-man, six-woman jury in opening statements at Westchester County Court that the murderer may have been Warmus' lover, Paul Solomon, also a schoolteacher.

Honda recalls cars: American Honda Motor Co. is recalling about 27,000 1992 model cars in the United States to replace an oil pressure switch that could cause an engine oil leak.

Models include the Honda Accord, Civic and Prelude, as well as the Acura Legend and Integra sedans made by Honda's luxury division. All cars were built in Japan between early November and early December, company spokesman Kurt Antonias said.

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6/17/92 PR Newswire

PR Newswire
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Wednesday, June 17, 1992

FORMER **PATRIARCA** BOSS SENTENCED TO AN EIGHT YEAR TERM

BOSTON, June 18 /PRNewswire/ -- The former Boss of the **Patriarca** Family of La Cosa Nostra was sentenced to an eight-year term of imprisonment today following his plea of guilty to charges of racketeering and violations of the Travel Act.

U.S. Attorney A. John Pappalardo announced that the Honorable Mark L. Wolf sentenced Raymond J. **Patriarca** to a 97- month term of incarceration followed by a three-year period of supervised release and a $50,000 fine. In addition, Judge Wolf ordered that **Patriarca** pay for the costs of his imprisonment and supervised release which total in excess of $125,000. In limiting the defendant's sentence to eight years, the Court rejected the government's requests to impose a harsher sentence. Pappalardo stated that the government was disappointed by the sentence imposed, noting that "the evidence presented to the Court would have fully supported the imposition of a substantially higher sentence." Pappalardo also observed, that with credit for time served and further reductions as a result of "good time," the defendant may be released in less than five years.

**Patriarca** headed the Family for over six years, becoming the Boss after the death of his father in 1984. **Patriarca** presided over a Mafia induction ceremony held in Medford, Mass. on Oct. 29, 1989. That induction ceremony was secretly tape recorded by the Federal Bureau of Investigation pursuant to court order.

**Patriarca**'s co-defendants, Joseph Russo, Vincent Ferrara, Robert Carrozza, Dennis Lepore and Carmen Tortora, have been convicted and sentenced to terms of imprisonment ranging from 13 to 22 years. Co-defendant Pasquale G. Barone's case was severed from that of his co-defendants and he is awaiting trial. Co- defendant Angelo J. Mercurio is currently a fugitive.

The investigation was conducted by Special Agents of the Federal Bureau of Investigation and Detectives of the Boston Police Department, with assistance of the Massachusetts State Police. The case was prosecuted by Assistant U.S. Attorneys Jeffrey Auerhahn, Gregg L. Sullivan and James D. Herbert of the Organized Crime Strike Force Division of the U.S. Attorney's Office.

---- INDEX REFERENCES ----

NEWS SUBJECT: Law Enforcement (LEN)

REGION: Massachusetts (MA)

Word Count: 336
6/17/92 PRWIRE
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AFFIDAVIT

MY NAME IS DUGALD F. CAMERON, A LEGAL PERMANENT RESIDENT OF THE STATE OF FLORIDA. I AM A FORMER LICENSED PRIVATE INVESTIGATOR OF THE COMMONWEALTH OF MASSACHUSETTS AND I MAINTAINED AN OFFICE AT 140 UNION STREET, LYNN, MASSACHUSETTS.

ON FEBRUARY 15, 1984 ATTORNEY JOHN CAVICCHI, 186 WORDSWORTH STREET, EAST BOSTON, MASSACHUSETTS AND I MET WITH ATTORNEY ROBERT GIDDENS, ASSISTANT LEGAL COUNSEL TO GOVERNOR MICHAEL DUKAKIS, FOR THE PURPOSE OF DISCUSSING THE LOUIS GRECO CASE. WE ARRIVED AT ATTORNEY GIDDENS' OFFICE IN THE STATE HOUSE AT 11:00 AM, THE APPOINTED TIME. ATTORNEY GIDDENS STATED TO US THAT HE HAD ALREADY READ THE AFFIDAVIT OF ROY FRENCH DATED APRIL 27, 1983, ALONG WITH THE OTHER MATERIAL SUBMITTED TO HIM BY THE PAROLE BOARD, INCLUDING THE VIDEO TAPE OF MR. GRECO'S TELEVISED LIE DETECTOR TEST. AFTER AN INDEPTH DISCUSSION OF THE CASE AND THE ABOVE DESCRIBED MATERIAL ATTORNEY GIDDENS STATED HE WOULD BE DISCUSSING THIS MATTER, IN DEPTH, WITH THE GOVERNOR AND THAT HE WOULD BE RECOMMENDING, TO THE GOVERNOR, COMMUTATION OF MR. GRECO'S SENTENCE. AFTER ASSURING US HE WOULD BE FOLLOWING THROUGH ON THIS MATTER IN A DILIGENT MANNER THE MEETING WAS CONCLUDED AND WE LEFT.

SIGNED UNDER PENALTIES OF PERJURY:

Dugald F. Cameron

Before me did personally appear Dugald F. Cameron. The above instrument was duelly sworn to 1st day of September, 1992.

Jennifer Ronaker

NOTARY PUBLIC STATE OF FLORIDA
MY COMMISSION EXP JUNE 16, 1994

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Exhibit 4

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY, ss

SUPERIOR COURT
DOCKET NOS.
32368, 32369, 32370

COMMONWEALTH

V.

JOSEPH L. SALVATI

**AFFIDAVIT**

I, Frank L. Walsh, hereby swear and affirm that each of the following facts are true and accurate to the best of my knowledge and belief:

1. In 1965, I was a detective with the Boston Police Department.
2. While with the Boston Police Department, and during my assignment in the Suffolk County District Attorney's Office, I was involved in the investigation, arrest, and prosecution of Joseph Salvati and others.
3. During my investigations prior to his indictment, during trial, and subsequent sentencing, I had never become aware that Joseph Salvati had been even remotely connected with firearms or physical violence.
4. When I arrested Joseph Salvati in October of 1967, he had a full head of hair.
5. I did not see the police report that is attached as an exhibit to the Motion for a New Trial.
6. To my knowledge, Joseph Salvati was never mentioned as a suspect in the Deegan murder case until Joseph Barboza mentioned his name.
7. I retired as a Sergeant Detective from the Boston Police Department after thirty-two years of service.

Signed under the pains and penalties of perjury.

Frank L. Walsh

Frank L. Walsh

Then personally appeared the above-named Frank L. Walsh and acknowledged the foregoing to be his free act and deed before me

Notary Public

My commission expires March 7, 1997

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THE BOSTON GLOBE • THURSDAY, JANUARY 21, 1993

# Weld backs commutation for 4 inmates

## One says man she killed was her batterer

By Toni Locy
GLOBE STAFF

Gov. Weld yesterday recommended commuting the life sentences of four people convicted of murder, including Eugenia Moore, who said she killed her former boyfriend after he repeatedly stalked, threatened and beat her.

In recommending commutations of life sentences for three men convicted of first-degree murder, Weld, a former federal prosecutor, said his actions were not at odds with his commitment to be tough on crime.

"I don't think it's inconsistent," Weld said in remarks to reporters. "It's part of the powers. You don't throw the pardon and commutation powers out the window just because you are tough on crime."

The governor denied commutation requests yesterday of two men who were involved in a notorious gangland killing in the late 1960s.

Weld's action in Moore's case makes him the first governor in state history to recommend commutation for a woman claiming that the person she killed was her batterer. The eight-member Governor's Council must still approve Weld's recommendations but has not yet set a date for public hearings on the requests.

In urging commutation for the three men, Weld argued that all three – Rogelio Felix Rodriguez, Omar Hasmid Abdur-Rahim and Benjamin DeChristoforo – were convicted of felony murder, that is, they were participants in a crime in which someone was killed. None of the three was the "shooter," Weld said, and all have spent 20 years or more in prison.

In addition, Weld said, none received the death penalty although all were convicted at a time when Massachusetts had capital punishment. Rodriguez was involved in a drug deal and Abdur-Rahim a robbery. DeChristoforo, a Combat Zone bar manager, was in a car where a man was killed during an argument.

Weld also cited the inmates' "unblemished records in prison," adding, "There is every indication that they are going to be worthy and valuable members of society."

Such talk is in contrast to Weld's more rigid rhetoric during the 1990 gubernatorial campaign. "On crime issues, I'm Attila the Hun," he said just before the election.

92A-2557 SUB A-224

JAN 25 1993

EXHIBIT

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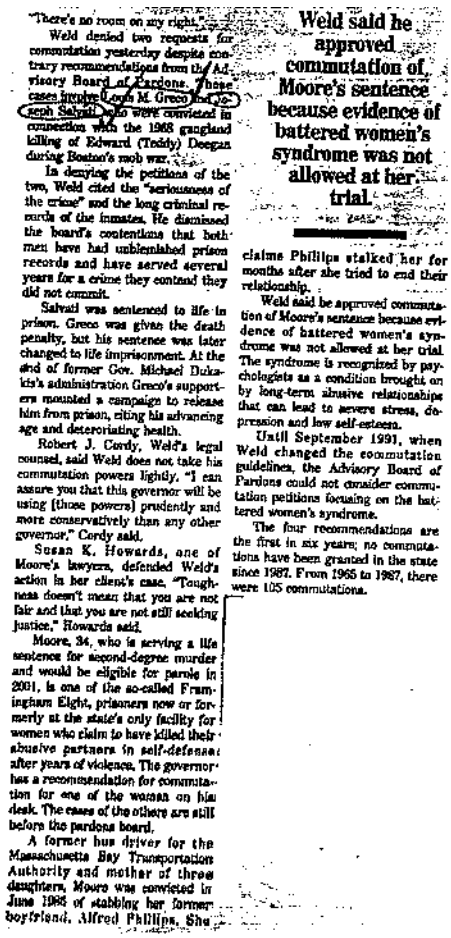

"There's no room on any right."

Weld denied two requests for commutation yesterday despite contrary recommendations from the Advisory Board of Pardons. These cases involve Louis M. Greco and Joseph Salvati, who were convicted in connection with the 1968 gangland killing of Edward (Teddy) Deegan during Boston's mob war.

In denying the petitions of the two, Weld cited the "seriousness of the crime" and the long criminal records of the inmates. He dismissed the board's contentions that both men have had unblemished prison records and have served several years for a crime they contend they did not commit.

Salvati was sentenced to life in prison. Greco was given the death penalty, but his sentence was later changed to life imprisonment. At the end of former Gov. Michael Dukakis's administration Greco's supporters mounted a campaign to release him from prison, citing his advancing age and deteriorating health.

Robert J. Cordy, Weld's legal counsel, said Weld does not take his commutation powers lightly. "I can assure you that this governor will be using [those powers] prudently and more conservatively than any other governor," Cordy said.

Susan K. Howards, one of Moore's lawyers, defended Weld's action in her client's case. "Toughness doesn't mean that you are not fair and that you are not still seeking justice," Howards said.

Moore, 34, who is serving a life sentence for second-degree murder and would be eligible for parole in 2001, is one of the so-called Framingham Eight, prisoners now or formerly at the state's only facility for women who claim to have killed their abusive partners in self-defense after years of violence. The governor has a recommendation for commutation for one of the women on his desk. The cases of the others are still before the pardons board.

A former bus driver for the Massachusetts Bay Transportation Authority and mother of three daughters, Moore was convicted in June 1988 of stabbing her former boyfriend, Alfred Phillips. She

**Weld said he approved commutation of Moore's sentence because evidence of battered women's syndrome was not allowed at her trial.**

claims Phillips stalked her for months after she tried to end their relationship.

Weld said he approved commutation of Moore's sentence because evidence of battered women's syndrome was not allowed at her trial. The syndrome is recognized by psychologists as a condition brought on by long-term abusive relationships that can lead to severe stress, depression and low self-esteem.

Until September 1991, when Weld changed the commutation guidelines, the Advisory Board of Pardons could not consider commutation petitions focusing on the battered women's syndrome.

The four recommendations are the first in six years; no commutations have been granted in the state since 1987. From 1965 to 1987, there were 105 commutations.

32 The Boston Herald, Sunday, September 3, 1989

## Just horsing around

FOOTNOTE to the attempt by ex-state Rep. Angie Marotta to win a commutation for his first cousin, organized-crime hitman Joe "the Horse" Salvati:

Among those writing letters in support of the Horse are several employees of the Department of Correction. Well, guess who real-estate developer Angie Marotta just hired as the new president of The Marotta Companies?

Michael Fair, who just quit as state Correction boss.

It's a small world, isn't it?

92-2557 SUB A-72

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FBI — BOSTON

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 727-3600

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

January 19, 1993

Mr. Joseph Salvati
M.C.I. Norfolk
P.O. Box 43
2 Clark Street
Norfolk, MA 02065

Dear Mr. Salvati:

Following a careful review of the facts, I am denying your petition for a commutation. This denial is based in part upon the seriousness of the crimes and the length of your criminal record.

You may not resubmit a petition for commutation relief until one year from the date of this denial unless you are able to demonstrate, by clear and convincing evidence, a material and compelling change in circumstances.

Sincerely,

William F. Weld

William F. Weld
Governor

SAH:sap

cc: Joyce Hooley, Acting Chair
Parole Board
Barbara Johnson, Director of Pardons
Advisory Board of Pardons
Valerie McCarthy, Executive Secretary
Governor's Executive Council

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MASSACHUSETTS
ADVISORY BOARD
OF PARDONS

The Commonwealth of Massachusetts
DISTRICT ATTORNEY OF SUFFOLK COUNTY
RALPH C. MARTIN, II

NEW COURT HOUSE
BOSTON, MASSACHUSETTS 02108

Telephone (617) 725-8600

July 30, 1993

TO: Lieutenant Detective James T. Curran
Office of Special Investigations

FROM: Sergeant Detective Bruce A. Holloway
Office of Special Investigations

RE: Interview With Former State Police Lieutenant Richard Schneidahan
RE: Commonwealth v. Salvadi #93-0023

Sir:

On Tuesday July 27, 1993 I conducted an telephonic interview with former State Police Lieutenant Richard Schneidahan relative to the above-captioned matter.

Lt. Schneidahan stated that sometime after the murder of Edward T. Deegan he recalled overhearing a conversation between, then Assistant Attorney General Donald Con and Attorney Robert Fitzgerald who represented Joseph Barbosa, whereby Attorney Fitzgerald advised Attorney Con that his client, Joe Barbosa threw Joseph Salvadi into the mix because of a dispute over money. Fitzgerald went on to state that Joe Salvadi owed Joe Barbosa some money and that when Barbosa associates Arthur Bratsos and Richard DePrisco made an attempt to collect from Salvadi, he refused to pay as did many others; however when Salvadi 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 which prompted him to retaliate by throwing Joe Salvadi into the mix.

Lt. Schneidahan further stated that sometime after Deegan's murder, while he was assigned to the Attorney General's Organized Crime Division, he and other officers were responsible for looking into old cases including the murder of Edward T. Deegan. He does not recall any of the results of the investigation but he believes there was very little, however all reports were maintained on micro-film at the Attorney General's Organized Crime Division.

Finally, Lt. Schneidahan informed me that he had recently met with Richard Cass and that he supplied him with some reports relative to this matter.



On Friday July 30, 1993 I recontacted Lt. Schneidahan to inquire about the reports that he gave to Mr. Cass and he informed me that he gave him three reports. One report was a summary of Edward Deegan and his associates and a second report which consisted of two pages dealt with French and his associates. At the end of the second report was a xerox of a 3x5 note pad located at the bottom of one of the pages which mentioned either Sergeant or Police Officer O'Brien and a Lt., both of Chelsea P.D. It also made reference to a car.

At this time I expressed my sincere thanks to Lt. Schneidahan for his cooperation and terminated this interview.

Respectfully submitted,

R Allee

Sergeant Detective Bruce A. Holloway
Office of Special Investigations

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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CR. NO.: 32368-70

COMMONWEALTH

V.

JOSEPH SALVATI

**AFFIDAVIT OF ATTORNEY JOSEPH J. BALLIRO IN SUPPORT OF MOTION FOR NEW TRIAL OF JOSEPH SALVATI**

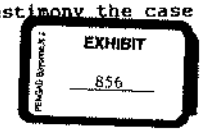
The following affidavit is made with the understanding that it is to be used in support of a motion for a new trial for one Joseph Salvati, who has been imprisoned for over twenty-five (25) years after a conviction for allegedly participating in a first degree murder of one Edward Deegan on March 12, 1965.

1. 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.

2. With respect to the overall conduct of the trial I served in the role that is generally referred to as lead counsel.

3. Joseph Salvati was represented at the trial by Attorney Chester Paris, who at that time was a young but competent trial lawyer, and associated with me in practice at my office.

4. Without intending to over simplify what was obviously a very serious case, it can nonetheless be fairly stated that a conviction had to depend upon the credibility of one Joseph Barboza, a self-admitted participant in the murder of Mr. Deegan - and also an individual who the Commonwealth had castigated as a notorious killer. 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.

5. 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.

6. Every effort was made before and during the trial to seek out and present evidence that would undermine the credibility of Mr. Barboza, with a notable lack of success, other than to rely on the very notoriety that carried with it the downside of confirming that he was someone who was in position to know who his co-conspirators were.

7. 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 knew Lieutenant Evans as the result of having participated in the defense of many individuals where he was either the arresting or investigating officer. I was well aware that Lieutenant Evans, together with many other police officers participated in the investigation of Mr. Deegans murder and worked closely with investigations from the District Attorney's Office who were assisting to prepare the case for trial.

8. I knew Captain Renfrew of the Chelsea Police Department, who according to the Lieutenant Evans statement received the informant information, and had been defense counsel on many cases in which Captain Renfrew had been the investigating or prosecuting officer. I was aware, at the time of the Deegan trial that Captain Renfrew was working closely with the Suffolk County District Attorney's Office in preparing this case for trial.

9. 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.

10. There was no aspect of the preparation of and the in-court defense of Mr. Salvati that I was not intimately aware of, including the search for exculpatory evidence as well as seeking to obtain any evidence that would undermine the credibility of Joseph Barboza. The credibility of Mr. Barboza was a common denominator to all of the defendants.

11. 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. It would be crucial to the defense of Mr. Salvati to establish that at the time Mr. Barboza left the Ebb Tide with cohorts and later returned with the same

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men - that Joseph Salvati was not among those men.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 2ND DAY OF AUGUST, 1993.

Joseph U. Balliro, Esquire

Exhibit 3

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

SUPERIOR COURT
CR. NO. 32368,
32369 and 32370

COMMONWEALTH )
)
v. ) AFFIDAVIT OF JACK I. ZALKIND
)
JOSEPH SALVATI, et al )

On or about February 2, 1993, I had a meeting in my office at 15 Court Square, Boston, MA 02108, with Attorney Victor Garo who informed me that he was representing Joseph Salvati, a defendant that I had prosecuted in the above-mentioned case in 1968. (Commonwealth v. French, 357 Mass. 357 (1970)).

At this meeting, Attorney Garo showed me an three-page typed report which was a purported statement by Lt. Thomas F. Evans of the Chelsea Police Department. Lt. Evans was an officer who was assisting the Suffolk County District Attorney's Office in the investigation and prosecution of the aforementioned "French" trial. I reviewed the alleged statement and/or report which was given to me by Attorney Garo and although the information contained on pages 1 and 2 and half of page 3 was familiar to me, a paragraph on page 3 contained information that I did not have at the time that I prosecuted the aforementioned case. Indeed, I have no present memory of ever seeing any portion of this report, although much of the information was familiar to me.

The paragraph referred to states that Lt. Evans

"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,

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> 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 "Strongarm". They are said to have returned at about 11 P.M. and Martin was alleged to have said to French, "We nailed him".

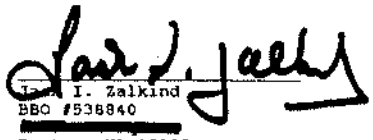
I believe that if I had received this information prior to the return of indictments in the above-mentioned case or, indeed, during the trial, I certainly would have caused a more concentrated investigation into the whereabouts of the men mentioned in the report but who were not named in the indictment. Whether or not I would have turned over this report to defense counsel at that time, of course, would depend upon the results of my investigation. Certainly, if my inquiry divulged exculpatory material, I would have given this information to defense counsel.

Three or four years after the conviction in the French case, I prosecuted Vincent Flemmi, who was mentioned on page 3 of the "Statement". It became apparent to me that Flemmi fit the description of the man that was described by Capt. Joseph Kozlowski as being the occupant that was seated in the back of the vehicle which we knew was being driven by Joseph Barboza and who had been described at trial by Barboza as being Joseph Salvati. Barboza testified that Salvati wore a disguise over his hair which made him appear to be bald. Indeed, Capt. Kozlowski said that the man in the back seat appeared to be bald. In the Flemmi trial, I observed that he was bald and, in fact, it was revealed to me that he was a friend and associate of Barboza for many years, although Salvati was never known to be associated with Barboza in any way. Further, I discovered that Flemmi had an extensive criminal record and Salvati's record was practically non-existent. This revelation did

not appear to be significant at the Flemmi trial, since there were convictions in the "French" case, and there was no evidence indicating that Barboza was not telling the truth when he described Salvati's disguise and involvement other than the defendant's denial. However, once again, if I had received the information contained in the previously referred to report, I believe that I would have re-evaluated the position of Salvati and would have ordered an intensive investigation as to the possibility of Salvati being erroneously named as a defendant by Barboza and would have considered the possibility that Flemmi was the person in the rear seat.

The facts and information that I have supplied are based upon my present memory and recollections of events that have taken place over the last 25 years and may not be exact in many aspects, but they are presented in this Affidavit as my best present day recollection subject to unintentional failure of memory due to the passing of time.

The aforementioned information is submitted under the pains and penalties of perjury subject to unintentional lapses in memory.



Paul I. Zalkind
BBO #538840
[redacted]
Boston, MA 02108

August 5, 1993

The Commonwealth of Massachusetts
DISTRICT ATTORNEY OF SUFFOLK COUNTY
RALPH C. MARTIN, II
NEW COURT HOUSE
ON, MASSACHUSETTS 02108
Telephone (617) 725-8600

August 19, 1993

TO: Lieutenant Detective James T. Curran
Office of Special Investigations

FROM: Sergeant Detective Bruce A. Holloway
Office of Special Investigations

SUBJECT: Follow-up Investigation with Former State Police Lieutenant, Richard Schniedahan, Re: Commonwealth v. Joseph Salvati, O.S.I. Case No. 93-0023.

On Thursday, August 19, 1993, at about 10:00 A.M., former State Police Lieutenant Richard Schniedahan came into the District Attorney's Office located at 55 Court Street where Assistant District Attorney Robert McKenna and I (Sergeant Detective Bruce A. Holloway) had a follow-up discussion relative to my Tuesday, July 27th interview concerning this matter.

Mr. Schniedahan was presented with a copy of the report that was produced as the result of my interview. He directed his attention to the second paragraph which referred to a conversation that he believed he had overheard between Attorney Robert Fitzgerald and Assistant Attorney General Donald Con.

After reading this report, he stated that the contents of the second paragraph, as it pertains to the statements that he had made to me, may have been the result of his collective memory of information received over a period of time. He stated that he was not certain if in fact the conversation between Robert Fitzgerald and Donald Con had taken place and, if it had occurred, he could not be sure as to when it had occurred. He did however, indicate that to the best of his recollection, if this conversation occurred, it would have taken place in a stairwell at the Saltonstall Building while he had covered the two men. Additionally, he recalls that a conversation did take place in the Saltonstall Building prior to Attorney Fitzgerald's injury and he recalls that they would often meet at conspicuous locations to discuss the Deegan case.

He further stated that he does not believe that the group involved in the 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.

Finally it should be noted that Mr. Schniedahan considers the second paragraph of the July 27th report to be too definite and that the circumstances noted are instead to the best of his recollections.

Respectfully submitted,

Sergeant Detective Bruce A. Hollow
Office of Special Investigations

EXHIBIT
858

The Commonwealth of Massachusetts
DISTRICT ATTORNEY OF SUFFOLK COUNTY
RALPH C. MARTIN, II
NEW COURT HOUSE
STON, MASSACHUSETTS 02108
Telephone (617) 725-8600

October 1, 1993

TO: Lieutenant Detective James T. Curran
Office of Special Investigations

FROM: Sergeant Detective Bruce A. Holloway
Office of Special Investigations

SUBJECT: Interview with Ms. [redacted]
RE: Commonwealth v. J. Salvati

Sir:

On Tuesday, September 21, 1993, Detective [redacted] of the [redacted] Police Department and I met with Ms. [redacted] for the purpose of interviewing her relative to the above captioned matter.

When I informed Ms. [redacted] of the reason for my visit, she advised me that her recollection of anything that occurred in 1965 may not be accurate because of the time lapse. She suggested that I refresh her memory about some of the events that transpired at that time, in an effort to jog her memory.

I then asked her if she worked at a bar in Chelsea called the Ebb Tide and she responded in the affirmative. She stated that she worked there in 1965 and that a M.D.C. or Chelsea Police Officer placed her there to obtain information about some of the characters that frequented the establishment.

I then recited an array of names and of these, she recalled the names and faces of Joe Barbosa and Roy French. She recalled that Joe Barbosa resembled a Pitt Bull and that Roy French was a handsome man.

In addition she recalls being visited at her home in [redacted] by what she believed were two M.D.C. Police Detectives who showed her a photo array. Although she could not recall their names, she believed that one was named Robtson but could not remember the second detective's name.

At this time Ms. [redacted] informed us that with a little time, she may be able to jog her memory about that era in her life and suggested that we return on Wednesday, September 22, 1993 at 2:00 P.M.

Respectfully submitted,

B. A. Holl

Sergeant Detective Bruce A. Holl
Office of Special Investigations

001031

EXHIBIT
859

The Commonwealth of Massachusetts
DISTRICT ATTORNEY OF SUFFOLK COUNTY
RALPH C. MARTIN, II
NEW COURT HOUSE
BOSTON, MASSACHUSETTS 02108
Telephone (617) 725-8600

October 4, 1993

TO: Lieutenant Detective James T. Curran
Office of Special Investigations

FROM: Sergeant Detective Bruce A. Holloway
Office of Special Investigations

SUBJECT: Follow-up Discussion with the Honorable Judge John Fitzgerald
RE: Commonwealth v. Joseph Salvati

Sir:

On Tuesday, August 24, 1993 at about 10:25 A.M. Assistant District Attorney Robert McKenna and I conducted a telephonic interview with the Honorable Judge John Fitzgerald of South Dakota relative to the above captioned matter. On this date, October 4, 1993, I had a follow up discussion with the Honorable Judge John Fitzgerald relative to our August 24th conversation. As a result of his telephonic review of the August 24th report, this report now reflects the necessary changes.

Judge Fitzgerald informed me that he did not know Joseph Salvati and had never met him. He indicated that he knew and had represented several of those involved in the Deegan murder at some point as an attorney.

He stated that he and Assistant Attorney General Donald Conn were longtime friends who often met and discussed many things, however, he does not recall ever meeting him in the Saltonstall Building. Most of their meetings took place in the State House. On one occasion, after suffering his injury, Attorney Conn visited Judge Fitzgerald in the hospital and sometime later, at Attorney Conn's request, they met in a restaurant in Malden. At this meeting a man, whose name Judge Fitzgerald preferred not to disclose, was also present. This unnamed man engaged Judge Fitzgerald in conversation regarding an unrelated matter.

Judge Fitzgerald does recall hearing the rumors about Joseph Salvati and others not being involved and that Joe Barbosa was owed money. However, he stressed that at no time did he inquire of Barbosa anything relative to these rumors. Additionally, he stated that Barbosa 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.

After completing this interview, I expressed my thanks to Judge Fitgerald for his cooperation and terminated our phone call.

Respectfully submitted,

B. A. Holl

Sergeant Detective Bruce A. Holloway
Office of Special Investigations

EXHIBIT
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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS. SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CRIMINAL NO(s).31601, 32369, 32370

COMMONWEALTH ]
]
V. ]
]
LOUIS GRIECO ]

AFFIDAVIT

I, James M. McDonough, depose and state:

1. Since 1953 I have been an attorney in Massachusetts.

2. Between 1964 and 1979, I was a Legal Assistant in the Suffolk County District Attorney's Office.

3. During 1967 and 1968, I was assigned to assist the Assistant District Attorney (Jack Zalkind) in the prosecution of the defendant, Limone.

4. In such capacity I had access to police reports and in general all documents connected to the case that were in the files of the prosecutor.

5. I was aware of and saw a report that had been authored by a Lieutenant Thomas Evans of the Chelsea Police Department about the Deegan murder.

001045

EXHIBIT
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6. I have read a copy of the foregoing report, that is presently in the prosecutor's file, and to 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.

Signed under the pains and penalties of perjury,

James M. McDonough

Date: 12/12/93

001046



0065w/38

The Commonwealth of Massachusetts
DISTRICT ATTORNEY OF SUFFOLK COUNTY
RALPH C. MARTIN, II

55 Court Street
Third Floor
Boston, Massachusetts 02108

October 27, 1993

Jack Zalkind, Esq.
Zalkind & Associates
15 Court Square
Boston, MA 02108

Re: Commonwealth v Salvati, et al.

Dear Attorney Zalkind:

Please be advised that I have talked with Bob Gittens and Jack Cinquegrana about your October 20, 1993 letter in which you request a meeting to discuss the affidavit that you filed in the above-entitled case.

Because the case is before the Superior Court, amendments, supplements or withdrawals of affidavits should appropriately be filed with, and presented to the court rather than discussed ex parte. See in this regard Mass. R. Crim. P., Rule 30(c)(3) and the Reporters Notes.

For the foregoing reason, your request for a meeting must be respectfully declined. Should you desire to address the court about the issues raised in your letter, I believe that the case is assigned to, and presently before Judge Robert Banks, who is sitting in Room 914 of the Suffolk County Courthouse.

Very truly yours,

Robert J. McKenna, Jr.
Assistant District Attorney

RJM/bb:1322/76

xc: Honorable Robert Banks
Victor Garo, Esq.
Anthony Pelusi, Esq.
Oscar Wilde, Esq.
Robert Sheketoff, Esq.
John Cavicchi, Esq.

EXHIBIT
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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss. SUPERIOR COURT
DEPARTMENT OF TRIAL COURTS
CRIMINAL ACTION 32367-71

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

COMMONWEALTH OF MASSACHUSETTS

-vs- MOTION HEARING

JOSEPH SALVATI, LOUIS GRECO, and
PETER LIMONE

* * * * * * * * * * * * * * * * * * * * * * * * * * * * * *

TRANSCRIPT OF PROCEEDINGS

Before: BANKS, J.

APPEARANCES:

ROBERT McKENNA, Esquire, Assistant District Attorney, for the Commonwealth

VICTOR J. GARO, Esquire, and ANTHONY R. PELUSI, JR., Esquire, for Defendant Joseph Salvati

JOHN CAVICCHI, Esquire, for Defendant Louis Greco

ROBERT SHEKETOFF, Esquire, for Defendant Peter Limone

December 1, 1993
Boston, Massachusetts

Mary M. Wrighton
Official Court Reporter

EXHIBIT
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My name is John Cavicchi. I represent Louis Greco. I would direct the Court's attention to the other police report by Richard Cass which is page 77 and --

THE COURT: I don't know what that -- I haven't digested this folder yet. I have looked at your motion.

MR. CAVICCHI: That was another police report that was attached to the Commonwealth's opposition to my motion, Your Honor. In paragraph twelve it says that unconfirmed information was received that Romeo Martin and Ron Cassesso had entered the building and were waiting just inside the rear door. That was the position that Barboza had testified that my client, Greco, was in, in the alley, waiting for him. I would ask the Court, if the Court is going to inquire as to the informant, possibly there was another informant and I don't know what the basis of this second police report is, but that was made the night of the murder.

THE COURT: Who is Mr. Cass?

MR. CAVICCHI: He was the Detective Lieutenant Inspector, Massachusetts State Police, and the report is dated the night of the murder.

THE COURT: Is he available to you?

MR. CAVICCHI: I don't know the gentleman.

THE COURT: I don't either.

MR. CAVICCHI: He is on the Commonwealth --

THE COURT: You are free to contact anyone.

MR. CAVICCHI: Well, it's already there. I mean, his statement is already there.

THE COURT: I'm not going to go to the police reports.

MR. CAVICCHI: Secondly, Your Honor, also attached to the Commonwealth's opposition to Mr. Greco's motion for new trial is an FBI report dated 1970 where it quotes, where the person making the report quotes Barron stating that he will take a polygraph test that he was telling the truth at the Deegan trial. Obviously, there are a number of police -- a number of polygraph tests that show my client not to be involved in this murder including a Miami Police Department polygraph.

THE COURT: Well, a polygraph in Massachusetts is worthless, as you know.

MR. CAVICCHI: I beg to differ with that, Your Honor.

THE COURT: You do? I don't. Would you like the case?

MR. CAVICCHI: I know it's been reversed but, during the course of the appellate proceedings

back and forth, sometimes the polygraph was admissible and other times it was not.

THE COURT: Well, it is not admissible today.

MR. CAVICCHI: I would, if the Court would consider ordering the Commonwealth to turn over Barron's polygraph test --

THE COURT: I'm not ordering any discovery.

MR. CAVICCHI: Well, then I was also going to ask for the grand jury testimony also.

THE COURT: It's denied.

MR. CAVICCHI: Please note my exception.

MR. SHEKETOFF: Your Honor, can we make a date for a hearing and then I can get to my federal trial?

THE COURT: Sure. Is December 13 or 14 a good date for everyone?

MR. CAVICCHI: Yes, Your Honor.

MR. GARO: That's no problem.

THE COURT: How about the Commonwealth?

MR. MCKENNA: Either one is good for the Commonwealth, Your Honor.

THE COURT: Okay. Is there anything the Commonwealth would like to say here?

MR. MCKENNA: I have nothing to say today.

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 99-10428 - JLT |
| | : | |
| v. | : | Racketeering<br>(18 U.S.C. §1962(c)) |
| JOHN J. CONNOLLY, JR. and<br>STEPHEN FLEMMI | : | Racketeering Conspiracy<br>(18 U.S.C. §1962(d)) |
| | : | |
| | : | Conspiracy to Obstruct Justice<br>(18 U.S.C. §371) |
| | : | |
| | : | Obstruction of Justice<br>(18 U.S.C. §§1503, 1512) |
| | : | |
| | : | False Statement<br>(18 U.S.C. §1001) |

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE - Racketeering
(John J. Connolly, Jr.)

GENERAL ALLEGATIONS

1. From November 1968 to December 1990, the defendant JOHN J. CONNOLLY JR. ("CONNOLLY") was a Special Agent of the Federal Bureau of Investigation ("FBI"). From February 1973 until his retirement in December 1990, CONNOLLY was assigned to the Boston Field Office of the FBI.

2. At all times material to this Indictment, the "Winter Hill Gang" was a clandestine



**Racketeering Act #11**

67. On or about December 23, 1994, in the District of Massachusetts, CONNOLLY did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in a federal Grand Jury in the District of Massachusetts by causing confidential law enforcement information to be provided to James Bulger which alerted him to the fact that law enforcement agents would soon attempt to arrest him in connection with the Grand Jury's investigation, in violation of Title 18, United States Code, Section 1503.

**Racketeering Act 12**

68. CONNOLLY committed the following acts, any one of which alone constitutes Racketeering Act 12:

**Racketeering Act #12A**

69. Beginning in or about December 23, 1994 and continuing until about early January 1995, the exact date being unknown, in the District of Massachusetts, CONNOLLY did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in a federal Grand Jury in the District of Massachusetts by causing confidential law enforcement information to be provided to Flemmi which alerted him to the fact that the Grand Jury would be asked to issue an indictment against him, in violation of Title 18, United States Code, Section 1503.

**Racketeering Act #12B**

70. In or about early January 1995, the exact date being unknown, in the District of Massachusetts, Flemmi, aided and abetted by CONNOLLY, did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in a

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 99-10428 - JLT |
| v. | : | Racketeering<br>(18 U.S.C. §1962(c)) |
| JOHN J. CONNOLLY, JR. and<br>STEPHEN FLEMMI | : | Racketeering Conspiracy<br>(18 U.S.C. §1962(d)) |
| | : | Conspiracy to Obstruct Justice<br>(18 U.S.C. §371) |
| | : | Obstruction of Justice<br>(18 U.S.C. §§1503, 1512) |
| | : | False Statement<br>(18 U.S.C. §1001) |

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2. At all times material to this Indictment, the "Winter Hill Gang" was a clandestine

EXHIBIT
865

Racketeering Act #11

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Racketeering Act 12

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Racketeering Act #12A

69. Beginning in or about December 23, 1994 and continuing until about early January 1995, the exact date being unknown, in the District of Massachusetts, CONNOLLY did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in a federal Grand Jury in the District of Massachusetts by causing confidential law enforcement information to be provided to Flemmi which alerted him to the fact that the Grand Jury would be asked to issue an indictment against him, in violation of Title 18, United States Code, Section 1503.

Racketeering Act #12B

70. In or about early January 1995, the exact date being unknown, in the District of Massachusetts, Flemmi, aided and abetted by CONNOLLY, did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in a

federal Grand Jury in the District of Massachusetts by providing confidential law enforcement information to Francis P. Salemme which alerted him to the fact that the Grand Jury would be asked to issue an indictment against him, in violation of Title 18, United States Code, Sections 1503 and 2.

Racketeering Act #13

71. On or about March 27, 1997, during pretrial proceedings in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.), CONNOLLY caused to be sent to United States District Judge Mark L. Wolf a letter falsely purporting to have been written by three unnamed members of the Boston Police Department.

72. That letter stated, in part, that "[t]he Massachusetts State Police, DEA and the FBI are ... guilty of prosecutorial misconduct in the so-called investigation of Frank Salemme, Whitey Bulger and Stevie Flemmi." The letter went on to state that Boston Police Detective Frank Dewan, the Massachusetts State Police, the DEA, the FBI and the Department of Justice Organized Crime Strike Force had furnished or relied upon false information in efforts to prosecute James Bulger and Stephen Flemmi. In specific reference to an issue directly before the Court at the time, the letter contended that: "You, Judge Wolf, were deliberately lied to by the Government when they testified under oath that they did not know a Mafia induction ceremony was going to take place at the time they applied for their wire." The letter implored Judge Wolf to "expose Dewan, [former FBI Special Agent John] Morris, and all the rest of the criminal element in those agencies who every bit as much tarnished their own badges!"

73. The defense attorneys in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.) filed a brief regarding the letter and on April 18, 1997, Judge Wolf held a hearing

1/11/95 Boston Globe 1
1995 WL 5918607

The Boston Globe
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Wednesday, January 11, 1995

METRO/REGION

# Mafia leaders still don't know when to shut up

Shelley Murphy, Globe Staff

They never learn.

Reputed New England Mafia boss Francis P. (Cadillac Frank) **Salemme** has provided prosecutors with what may be their most damning piece of evidence by talking incessantly while an FBI bug immortalized his every word.

"I'm the boss," **Salemme** told a Las Vegas wiseguy during a December 1991 rendezvous at the Logan Hilton, repeating the mistake made by countless mobsters before him who were felled by their own words.

But **Salemme**, 61, of Stoughton, did not stop after incriminating himself. He also implicated the elusive James J. (Whitey) Bulger and Stephen (The Rifleman) Flemmi, according to sources.

As gleeful FBI agents monitored his every word, **Salemme** fingered his underlings in the Patriarca crime family, then boasted to reputed Gambino family capo Natale (Big Chris) Richichi that he insulated himself by relying on "some good kids."

**Salemme** confided to the now-79-year-old Richichi, "I got that crew that's around, some kids from South Boston . . . Bulger and Flemmi."

A 37-count federal racketeering indictment handed up by a federal grand jury yesterday against **Salemme**, Bulger, Flemmi and others says **Salemme** and Richichi talked about "the structure and operation of the Patriarca Family in New England."

The FBI tape of **Salemme** and Richichi was described by one source as "the icing on the cake" for prosecutors who will try to convince a jury that **Salemme**, Bulger and Flemmi formed an unholy alliance three decades ago to control New England's rackets.

"It just lays out everything like you wouldn't believe," said the source.

This lack of discretion may be the first by **Salemme**, and bodes ill



for his efforts to stay out of prison. But **Salemme** is hardly the first alleged Mafioso to implicate himself, Bulger and Flemmi. It's a failing that appears to run in the family.

When the FBI bugged the North End headquarters of then-Boston mob boss Gennaro (Jerry) Angiulo in 1981, Angiulo was recorded saying, "Whitey's got the whole of Southie. Stevie is got the whole of the South End."

And one of Angiulo's capo regimes described the mob's relationship with Bulger and Flemmi.

"They're with us," Ilario Zannino, also known as Larry Baione, told an underling. "We're together. These are nice people. These are the kind of (expletive) people who straighten a thing out."

In fact, Zannino boasted, "If I called these guys right now, they'd kill anybody we tell them to."

Handing investigators enough evidence to convict him of racketeering in 1986 and send him to prison for 45 years, Angiulo boasted, "We're a shylock. We're a (expletive) bookmaker. We're selling marijuana . . . We're illegal here, illegal there. Arsonists! We're every (expletive) thing."

FBI bugs even captured Angiulo ordering a murder on tape, telling his soldiers to "stomp" and "kill" a Combat Zone bartender he suspected of ratting on his son. The plot was foiled when federal agents alerted the would-be victim.

In 1989, the New England Mafia broke the Mafia's long silence, or omerta, when it unwittingly baptized four members into the family at a Medford home that was bugged by the FBI.

"It's no hope, no Jesus, no Madonna, nobody can help us if we ever give up this secret to anybody, any kinds of friends of mine, let's say," said capo regime Biagio DiGiacomo as four new soldiers pricked their trigger fingers, burned holy cards, and swore to kill anyone who crossed the family. "This thing that cannot be exposed."

As he closed up the Guild Street house after the ceremony, mob soldier Vincent Ferrara was overheard by agents saying, "Only the (expletive) ghost knows what really took place over here today, by God."

But it was wishful thinking. The Mafia's innermost secrets were revealed. And now, investigators must be wondering why men like **Salemme** -- who allegedly rose to power in the wake of Mafiosi who blabbed their way into prison -- continue to talk.

During his rendezvous with Richichi, who is awaiting trial in

Florida on racketeering charges and in Las Vegas for trying to bribe a union official, **Salemme** implicated Flemmi in a 1968 bombing that injured a lawyer and landed **Salemme** in prison for 15 years.

Attorney John E. **Fitzgerald** Jr. was representing notorious Mafia hitman-turned-informant Joseph Barboza Baron when he started his car outside his Everett office Jan. 30, 1968, and a dynamite bomb exploded, tearing off part of his right leg.

**Salemme** remained a fugitive after his 1969 indictment for the attempted murder of **Fitzgerald,** until his December 1972 arrest by the FBI in New York City.

Flemmi was initially accused of plotting with **Salemme** to kill **Fitzgerald,** but the charges against him were dropped when a key government witness disappeared.

During the 1991 conversation at the Logan Hilton, **Salemme** told Richichi that he and Flemmi were on the lam together and that after he was caught, he took the "heat" while his longtime friend beat the rap, sources said.

The revelation appears to have helped prosecutors reopen the case against Flemmi. One of the racketeering charges in the indictment unsealed yesterday alleges that Flemmi and **Salemme** plotted and carried out the **Fitzgerald** bombing.

During their conversation, Richichi cautioned **Salemme** to treat his underlings with respect to keep their loyalty and prevent them from becoming "stool pigeons."

There were no warnings about the damage a mob boss can do to himself.

---- INDEX REFERENCES ----

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The Boston Globe
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Sunday, January 29, 1995

METRO/REGION

# IRA man tells a tale of betrayal

Kevin Cullen, Globe Staff

Special Report

Not long ago, Emily McIntyre visited her son's empty grave. She said it was the strangest thing. Eerie, really. The sunlight hit the small marker in such a way that it gave off a glow, an aura.

"I believe it was my John," she says softly. "He is restless."

It could be that John McIntyre's soul, wherever it is, is indeed restless. Ten years after he disappeared, presumably murdered to keep him quiet about an Irish Republican Army gunrunning operation in which he was an enthusiastic volunteer, no one has been made to account for John McIntyre. His body has never been found.

If those who killed McIntyre thought he gave up the mission, they were wrong. Because in an interview with The Boston Globe, the man who says he was the real informer, Sean O'Callaghan, explained how and why he turned on his comrades and exposed the biggest IRA gunrunning plot in US history.

The 1984 voyage of the Gloucester-based Valhalla was right out of a spy novel, with gangsters and revolutionaries trying to smuggle seven tons of weapons worth more than $1 million while outwitting intelligence services and law enforcement agencies from three countries. O'Callaghan's account sheds new light on an affair that captivated imaginations on both sides of the Atlantic, as it left a grieving family on Boston's South Shore.

O'Callaghan is the highest-ranking member of the IRA to become an informer. He was also the most damaging. In the years that he passed information to the Irish police and, later, British authorities, he gave up more than the Valhalla.

O'Callaghan's information saved many lives, some of them obscure, some of them famous, such as Prince Charles and Princess Diana, who had been targeted for assassination by the IRA. But O'Callaghan also took lives, directly, in the case of at least three people he admits to killing, and indirectly, in the case of John McIntyre.

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In an interview at the prison in Northern Ireland where he is held in isolation, O'Callaghan expressed remorse for the deaths he caused, including McIntyre's. He also provided a rare glimpse inside the world's most resilient revolutionary group, and the intrigue, the double-crossing and the ruthlessness that characterized the dirty war in Northern Ireland.

. Today, the cease-fire in Northern Ireland is holding. Historic talks are taking place, aimed at ending one of the world's most intractable conflicts. John McIntyre, the idealistic Irish-American, and Sean O'Callaghan, the disillusioned Irish revolutionary, were born two years and 3,000 miles apart. They never met. But their lives are the legacy of a bitter conflict, one that touched and destroyed lives on both sides of the Atlantic.

There was nothing in his childhood or adolescence suggesting that some day John McIntyre would be standing on the deck of a fishing trawler loaded down with 91 rifles, eight submachine guns, 13 shotguns, 51 handguns, 11 bullet-proof vests and assorted hand grenades and rocket heads bound for the IRA.

His father was Irish-American, but not especially interested in his heritage. His mother was German-born. He grew up in the Squantum section of Quincy. He wanted to be an engineer, but in 1970, with the Vietnam War on, he stunned his parents by dropping out of Northeastern University and enlisting in the Army. Soon after, his superiors found marijuana in his locker. He was court-martialed and given three months in an Army prison camp. Just weeks before his sentence was to end, he escaped, but was recaptured in Colorado.

The war and his sentence ended and McIntyre was back in Boston, like other veterans, dazed and confused. In 1974, he tried Northeastern again, but dropped out after a month. He drove a cab, then dabbled in illegal fishing. Friends say he did not respect authority any longer.

In 1980, McIntyre started working at Wallon's, a salvage company on the Chelsea waterfront. He began hanging out at Heller's, a Chelsea bar that was a front for Mafia money laundering. And he started meeting the type of people who would lead him to be standing on the deck of the Valhalla.

Principal among them was Joe Murray, who, besides his legitimate job as a compositor at the Boston Globe, was a gangster. Murray also styled himself a "freedom fighter," telling some people he was a member of the IRA. If this was true, the IRA would have been duty-bound to execute him for his involvement with drugs. Police say Murray was an American criminal who fancied himself an Irish patriot.

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McIntyre started drinking at the Celtic Tavern, Murray's den in Charlestown. There he met young men from Belfast. Some of them were IRA men on the run. They found refuge in working-class Irish-American enclaves like Charlestown, where walls are daubed with IRA graffiti. They told stories of British soldiers busting down doors, of cops harassing kids. Emily McIntyre remembers that her son was suddenly preoccupied with his ancestry, convinced that Catholics in Northern Ireland had been abandoned, and that he had to get involved.

Federal agents say Murray enlisted John McIntyre as one of the grunts who off-loaded the marijuana Murray smuggled along the Boston waterfront. Eventually, Murray asked him to be part of a crew that would run $1 million in guns to the IRA. McIntyre considered it an honor. At 32, he had finally found a cause.

McIntyre's friends and family insist that he understood the IRA's aversion to drugs and would not engage in marijuana smuggling and gun smuggling simultaneously. That, they say, is what led him to eventually cooperate with authorities. They say McIntyre felt betrayed when he learned that an ancillary part of the gunrunning mission was Murray's smuggling of 36 tons of marijuana on a freighter called the Ramsland.

Gary Crossen, the federal prosecutor who led the Valhalla investigation, scoffs at suggestions that McIntyre was so noble. He says McIntyre had engaged in petty and not so petty criminal activity for years. He suggests that McIntyre was naive about Northern Ireland, but not about how Murray and his associates made their money.

"It is true to say he was the most idealistic among them, but that's not saying much," said Crossen.

Everyone agrees that when the Valhalla set sail Sept. 14, 1984, John McIntyre knew little about the Irish side of the plot. All he knew was that somebody big in the IRA was waiting on the other side of the Atlantic. He could not have known that that somebody, Sean O'Callaghan, had betrayed them all.

Maghaberry Prison sits, mirage-like, in the middle of the rolling farmland of County Down. And it is there that 40-year-old Sean O'Callaghan sits, in a place built to reward those who swear off allegiance to the paramilitary groups of Northern Ireland. While hundreds have transferred to Maghaberry in search of more privileges and early parole, few have done what O'Callaghan has. Rather than just swear off the IRA, O'Callaghan conspired against it. He compromised operations and got dozens of IRA men put in prison.

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It is a fact of life in Northern Ireland that most touts, as the Irish call informers, end up dead.That explains why O'Callaghan is one of only two men being held in a separate facility for touts. Sitting in a visitor's room, O'Callaghan says he was able to deflect attention from who gave up the Valhalla because he was in charge of the IRA's inquiry.

"You had the fox guarding the chickens," he says.

In the early 1970s, O'Callaghan was a dedicated IRA man. He admits to having killed an army reservist and a police officer before he became disillusioned with the IRA. In 1979, he sought out the Garda Siochana, Ireland's national police force, and offered his services. Garda sources say he was a valued mole.

After the 1981 hunger strikes gave the IRA its most favorable international publicity ever, and before massive arms shipments from Libyan leader Moammar Khadafy arrived, the IRA needed more weapons to step up its war with the British. In 1984, Boston-based IRA sympathizers led by Joe Murray and Pat Nee, an Irish-born, South Boston-based gangster, offered to help.

O'Callaghan says the idea of accepting guns from American gangsters led to a divisive debate within the IRA, which was sensitive to claims that its members were in it for the money, not the cause. "The IRA wanted the weapons, but they didn't want the bad publicity if anything went wrong," he says.

Murray and Nee were part of a criminal organization allegedly headed by James (Whitey) Bulger, who was charged with racketeering this month and is now a fugitive. Bulger is said to be sympathetic to the IRA. Sources familiar with a bugging operation by federal agents at a Quincy apartment where Bulger lived at the time say Bulger indicated inside knowledge of the Valhalla in a conversation that was prompted by a TV newscast about the seizure of the weapons by the Irish navy.

"That's our stuff," a man who agents believe was Bulger said upon hearing news of the seizure. Bulger, however, was never charged in connection with the Valhalla, even though authorities believe he was involved in helping to finance it, or at least sanctioned the involvement of his underlings.

O'Callaghan says overall responsibility for the shipment fell to Ivor Bell, an IRA leader. Wary of dealing with non-IRA members, Bell had two men from Boston held in Dublin, ostensibly as hostages, while the guns crossed the ocean, according to O'Callaghan. He says he never learned their identities, but was told they were released even though the weapons were seized.

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Shortly before the Valhalla was to rendezvous with an Irish trawler, Marita Ann, O'Callaghan told his police handler about the shipment. O'Callaghan says he had no reservations. "No American has any right to send guns to my country, whether for financial gain or for some spurious political reasons," he says.

After meeting on the open sea, the Valhalla and Marita Ann went their separate ways. The Irish navy intercepted the Marita Ann two miles off the Irish coast and arrested the five crew members. The Valhalla returned to Boston unimpeded, and US Customs officials launched their own investigation, eventually arresting Nee, Murray and the Valhalla's captain.

Emily McIntyre said Customs agents hounded her son to get him to turn in his friends. She said they openly tailed him, and were parked outside her home the last night she saw her son, Nov. 30, 1984. Rumors that McIntyre was talking were rampant.

Federal agents say the last person they saw with McIntyre was Nee. His attorney, Kenneth Fishman, says Nee had nothing to do with McIntyre's disappearance.

The IRA suspected immediately that the leak was in Ireland, not Boston, O'Callaghan says, which is why the two Boston men were released unharmed. Speculation about who gave up the mission was intense. In March 1985, the body of an IRA associate, Sean Corcoran, was found in Kerry. Without elaboration, the IRA said Corcoran had been executed for informing. Some assumed Corcoran gave up the Valhalla. But O'Callaghan says Corcoran's undoing came when an IRA man asked Corcoran to cover for him at work while he carried out a robbery. Corcoran tipped off police, who captured the IRA unit. Suspicion fell immediately on Corcoran. The IRA abducted him and he confessed.

O'Callaghan claims he suggested the IRA hold a news conference and have Corcoran tell his story to embarrass the police and their methods of recruiting informers. But he says his superior, reputed IRA chief of staff Kevin McKenna, dismissed the idea, saying simply, "Kill him."

O'Callaghan says that on his way back to the farm where Corcoran was being interrogated he called police, giving the location of the hayshed where Corcoran was tied up. Irish police refuse to discuss that allegation. Eventually, it came down to O'Callaghan and Corcoran in the shed. O'Callaghan briefly flirted with the idea of untying him, telling him to run off. But he said that would have amounted to his own death sentence.

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"I took the mask off him," he said. "It was just the most pathetic sight. To the very end, I was hoping the Gards would come through the door, just take Corcoran and his wife away somewhere, give them a new life, a new identity."

Instead, O'Callaghan says, convinced there was no other way, he walked over and shot Corcoran in the head.

In 1986, McIntyre's family filed a wrongful death suit, claiming the US government negligently allowed him to be killed, presumably by the IRA or its agents. But three years later, the family's then-lawyer, John Loftus, coauthored a book with McIntyre's mother claiming McIntyre was assassinated by British intelligence agents to deflect attention from their real mole in the IRA. Loftus also claims someone in the IRA told him that the IRA executed a man whom it suspected had compromised the Valhalla. In an interview, Loftus said the man executed was Corcoran. Loftus' claims have not been corroborated, and have been called ludicrous by authorities in the United States, Ireland and Britain. O'Callaghan's statements to The Globe cast further doubt on Loftus' allegations.

O'Callaghan says that when the Valhalla sailed, he had cooperated only with Irish authorities. It was only later that his Irish handlers turned him over to their British counterparts. "The Brits wouldn't have killed anyone to protect me," he says. "I wasn't working for them."

Irish police sources corroborate O'Callaghan's account, saying he did not begin working as an informant for MI5, the British intelligence service, until 1986.

Besides, says O'Callaghan, even if British agents had killed McIntyre, the IRA would have eventually figured out through its own intelligence network that neither the IRA nor McIntyre's American associates were involved in his abduction.

Although she has had a falling out with Loftus, Emily McIntyre continues to subscribe to the conspiracy theory that her son was murdered by British spies. She says she does not believe O'Callaghan, and has spurned his offer of condolences.

"He is a double agent. They are the worst," she says.

In 1987, Murray and Nee pleaded guilty to arms smuggling. Murray admitted to smuggling marijuana, too. In 1992, shortly after he got out of prison, Murray was shot to death by his wife at their summer home in Maine. Suzanne Murray, who was not charged, said her husband

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came at her with a knife. Nee's freedom was short lived, too. He was arrested in 1991 with four other men, including a former IRA man, and charged with trying to rob an armored car in Abington. The Valhalla itself was sold off. It has been renamed and returned to fishing.

Officially, US customs officials still consider John McIntyre a fugitive. Jerry Padalino, special agent in charge of US Customs, says: "We have no proof that he is dead."

Neither does Emily McIntyre, although every fiber of her being believes he is.

She thinks her son should be officially listed as one of the more than 3,100 who have been killed since 1969 in Ireland's Troubles. In the meantime, no one from any government, no one from the IRA, none of her son's shadowy associates, has bothered to give her an explanation. She considered traveling to Ireland, to meet with O'Callaghan, thinking it might help. But she shakes her head.

"I could never sit down with that man. I couldn't believe a word he says. He is why my John . . ." Her voice trails off. Tears well up in her eyes, and for a long time she cannot speak.

Across the ocean, Sean O'Callaghan talks of getting out some day, ironically as part of an amnesty for paramilitary members, considered crucial if peace is to hold in Northern Ireland. He says he became a double agent for the rush. It gave him the high he lost when he stopped believing in the cause.

But now he thinks he deluded himself.

"When it was just me and Corcoran in that shed, and I knew I had to kill him, I told myself, 'Ah, well, think of all the lives you've saved.' But that's bull . . . I look back now and I say, 'Why did Sean Corcoran have to die? Why did John McIntyre have to die?' It was stupid. It was all so stupid."

TABULAR OR GRAPHIC MATERIAL SET FORTH IN THIS DOCUMENT IS NOT DISPLAYABLE

PHOTO;
CAPTION:1. Irish Republican Army sympathizer John McIntyre is thought to have been murdered.(COLOR)
2. SEAN O'CALLAGHAN

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(H)

AFFIDAVIT

I, John Emmanuel Cavicchi, being duly sworn, depose and state as follows:

1. I am a member of the Massachusetts Bar, having been admitted in December, 1973.

2. Since 1977, I have been the attorney for Louis Greco, convicte of murder and sentenced to death solely on the basis of the testimony of Joseph Barboza-Baron, an accomplice in the murder, whose testimony was uncorroborated.

3. Subsequent to the denial of the defendant Greco and others of their new trial motion on January 11, 1994, I learned through a Boston Globe Article, dated February 17, 1994, Dan Rea's Mission Impossible, that "Lead Counsel" Joseph Balliro represented Barboza-Baron and one Flemmi. Flemmi was one of those named in the informant's statement as being involved in the Deegan murder.

4. The article reports:

> "Since he had at one time represented both Barboza and Flemmi, Balliro said that he could not violate lawyer-client privilege." Page 72

5. When I began my investigation into this case, one of those from whom I obtained an affidavit was Richard Barest, Esq., a former Judge and State of Florida prosecuting attorney, who represented Greco when he surrendered to prosecuting authorities. Mr. Bareat's affidavit, together with the Miami Police Department Polygraph report is in the possession of the Clerk of Court and is a part of the record of this case.

6. On December 21, 1977, in addition to his affidavit,

EXHIBIT 870

000361

Mr. Barest told me that he pleaded with the Massachusetts lawyers to let him fight the extradition from Florida of Greco, but stated that they were more interested in reading Time Magazine than listening to what he had to say. He specifically mentioned "Joe Bellino" but I knew him to mean Mr. Balliro.

7. Shortly thereafter, I returned to Massachusetts and asked Mr. Balliro for the Florida investigation of Greco. He told me that it had been shredded.

8. In October or November, 1994, I visited Greco at the Bay State Correctional Center. He stated that Mr. Balliro told him to waive his extradition hearing.

Subscribed and sworn to under the pains and penalties of perjury, this 11 July, 1995.

John Emmanuel Carisch

AFFIDAVIT

I, James Southwood, being duly sworn, depose and state as follows:

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, Mr. Barboza, in early 1969, gave me his 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, Mr. Barboza said:

"Louie 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.

EXHIBIT 871

000365

He instructed me to return the Grand Jury minutes to Attorney Joseph Balliro.

To the best of my knowledge, the Barbosa copy of the Grand Jury minutes was given to Attorney Balliro in the summer of 1971.

Subscribed and sworn to, under the pains and penalties of perjury, this 11 July, 1995.

James Southwood
7/11/95

before me,
John Emmanuel Cauchi
notary public
my commission expires: 8/24/95

AFFIDAVIT

I, Louis Greco, being duly sworn, depose and state as follows:

1. I am a one hundred percent (100%) disabled veteran, having been shot in the right ankle in Bataan during World War II. In 1965, I had difficulty walking, and was unable to run, due to my war injuries.

2. I have an eight year grammar school education.

3. In 1968, when I was waiting for my hearing in Florida on the murder charges, of which I am innocent, Attorney Joseph Balliro came to Florida. I did not ask for Mr. Balliro, nor did I know who sent him.

4. Mr. Balliro said that I should come back to Massachusetts. He told me that things would turn out allright.

5. As a result of his advice, I signed some papers and returned to Massachusetts.

6. He never told me that he represented Barboza-Baron, nor did I know. He never told me, nor did I know that he represented Flemmi.

7. He did not tell me, nor did I know that he was representing Henry Tameleo.

8. Had I known the above, I would have remained in Florida.

9. In Massachusetts, I was represented by Attorney Lawrence O'Donnell and his office.

10. 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.

EXHIBIT 872

00036

AFFIDAVIT

I, Louis Greco, being duly sworn, depose and state as follows:

1. I am a one hundred percent (100%) disabled veteran, having been shot in the right ankle in Bataan during World War II. In 1965, I had difficulty walking, and was unable to run, due to my war injuries.

2. I have an eight year grammar school education.

3. In 1965, when I was waiting for my hearing in Florida on the murder charges, of which I am innocent, Attorney Joseph Balliro came to Florida. I did not ask for Mr. Balliro, nor did I know who sent him.

4. Mr. Balliro said that I should come back to Massachusetts. He told me that things would turn out allright.

5. As a result of his advice, I signed some papers and returned to Massachusetts.

6. He never told me that he represented Barboza-Baron, nor did I know. He never told me, nor did I know that he represented Flemmi.

7. He did not tell me, nor did I know that he was representing Henry Tameleo.

8. Had I known the above, I would have remained in Florida.

9. In Massachusetts, I was represented by Attorney Lawrence O'Donnell and his office.

10. 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.

00036

11. Had I known this, I would have had a different lawyer.

12. To the best of my memory, none of the evidence regarding my difficulty in walking, and inability to run was presented at trial. The evidence accumulated by the Florida attorney was not presented at trial.

Subscribed and sworn to under the pains and penalties of perjury, this 24, July, 1995.

Louis Greco

before me,
[illegible]
notary public
my commission expires: 8/24/95

REGISTRY DIVISION OF THE CITY OF BOSTON

COUNTY OF SUFFOLK COMMONWEALTH OF MASSACHUSETTS, UNITED STATES OF AMERICA

Certificate R Nº 045533

*I, the undersigned, hereby certify that I hold the office of ... City Registrar of the City of Boston and I certify the following facts appear on the records of Births, Marriages and Deaths kept in said City as required by law.*

The Commonwealth of Massachusetts

006352

LOUIS M. GRECO M December 30, 1995

Boston Suffolk Lemuel Shattuck Hospital

[redacted] WWII

White 17

78 February 4 1917 Revere, Massachusetts

Divorced [redacted] Gardner Own Home

MCI Shirley P.O. Box 1218 Middlesex, Shirley, Ma. 01468

Carmen Greco Italy Elizabeth O'Allend Italy

[redacted] Cambridge, Ma. 02138 Son

Beverly Bruno Collins 5333

VA National Cemetery Bourne, Massachusetts 02151

Jan. 5, 1996 Bruno Funeral Chapel 741 Revere St. Revere, Ma.

multi organ system failure Days

Senors Days

Right cerebral thrombosis

Arteriosclerotic Cardiovascular Disease

Yes

Antonio E Bosche III MD 220 Albany St. Boston, Ma. 02118 27040

NO

BOSTON JAN 4 1996

Judith A. McCarthy

WITNESS my hand and the SEAL of the CITY REGISTRAR

on this MAY - 6 1996 Day of A.D. 19

Judith A. McCarthy City Registrar

By Chapter 314 of the Acts of 1582, "the certificate or attestations of the Assistant City Registrar shall have the same force and effect as that of the City Registrar"

EXHIBIT

873

Standard Form 52
Rev. 4/88
U.S. Office of Personnel Management
FPM Chapter 296

# QUEST FOR PERSONNEL ACT

PART A - Requesting Office (Also complete Part B, Items 1, 7-22, 32, 33, 36 and 39.)

1. Actions Requested: Voluntary Retirement
2. Request Number
3. For Additional Information Call (Name and Telephone Number): Judy Diehl [redacted]
4. Proposed Effective Date: 12/31/95

5. Action Requested By (Typed Name, Title, Signature, and Request Date): George B. Clow, III, Assistant Director, George B. Clow, III, 11/20/95
6. Action Authorized By (Typed Name, Title, Signature, and Concurrence Date): George B. Clow, III, Assistant Director, George B. Clow, III, 11/20/95

PART B - For Preparation of SF 50 (Use only codes in FPM Supplement 292-1. Show all dates in month-day-year order.)

1. Name (Last, First, Middle): Morris, John M.
7. Social Security Number: [redacted]
9. Date of Birth: 11/20/44
c. Effective Date: 12/31/95

**First Action**

| 5-A Code | 5-B. Nature of Action |
|---|---|
| SEP | RETIREMENT - VOLUNTARY |
| 5-C Code | 5-D. Legal Authority |
| PAT | 20 U.S.C. 636 |
| 5-E Code | 5-F. Legal Authority |

**Second Action**

| 6-A. Code | 6-B. Nature of Action |
|---|---|
| 6-C. Code | 6-D. Legal Authority |
| 6-E. Code | 6-F. Legal Authority |

7. FROM: Position Title and Number: SUPERVISORY SPECIAL AGENT, GS-0criminal-1811-09-150

15. TO: Position Title and Number

| 8. Pay Plan | 9. Occ. Code | 10. Grade/Level | 11. Step/Rate | 12. Salary | 13. Pay Basis |
|---|---|---|---|---|---|
| ZD | 1811 | 09 | 03 | 103800.00 | PA |

| 16. Pay Plan | 17. Occ. Code | 18. Grade/Level | 19. Step/Rate | 20. Salary/Award | 21. Pay Basis |
|---|---|---|---|---|---|
| | | | | | |

14. Name and Location of Position's Organization: FBI, FBI BUREAU OF INVESTIGATION, TRAINING DIVISION, QUANTICO, VIRGINIA 2205

22. Name and Location of Position's Organization

**Employee Data**

23. Veteran Preference: 1 - None
24. Tenure: 0 - None
25. Agency Use
26. Veteran Preference for RIF: NO
27. FEGLI: BASIC - ADD'L OPT WITH 5 TIMES SAL, STD OPT, AND FAMILY OPT
28. Annuitant Indicator
29. Pay Rate Determinant: 5
30. Retirement Plan: 3 - FICA-FERS
31. Service Comp. Date (Leave): 05-07-77
32. Work Schedule: F - Full-time
33. Part-Time Hours Per Biweekly Pay Period

**Position Data**

34. Position Occupied: 1 - Competitive Service
35. FLSA Category: E - Exempt
36. Appropriation Code
37. Bargaining Unit Status
38. Duty Station Code
39. Duty Station (City - County - State or Overseas Location): 67-HQ-1693564 - 136

40. Agency Data
41.
42.
43.
44.
45. Educational Level
46. Year Degree Attained
47. Academic Discipline
48. Functional Class
49. Citizenship: 1 - USA
50. Veterans Ere Vet: V - Yes
51. Supervisory Status

**PART C - Reviews and Approvals** (Not to be used by requesting office.)

| 1. Office Function | Initials/Signature | Date | Office Function | Initials/Signature | Date |
|---|---|---|---|---|---|
| A. | | | D. | | |
| B. | | | E. | | |
| C. | | | F. | | |

EXHIBIT 874

2. Approval. I certify that the information entered on this form is accurate and that the proposed action is in compliance with statutory and regulatory requirements.
Signature
Approval Date: 11-4-95

CONTINUED ON REVERSE SIDE

52-112

Editions Prior To 4/88 Are Unusable After 9/30/88
NSN 7540-01-249-3888

Apr-[illegible]-2003 01:09pm From-

*United States Attorney*
*District of Massachusetts*

*1003 J.W. McCormack Post Office and Courthouse*
*Boston, Massachusetts 02109*

April 3, 1996

Honorable Ralph C. Martin, II
Suffolk County District Attorney
New Courthouse
One Pemberton Square
Boston, MA 02108

Dear Mr. Martin,

Recently, an Assistant U.S. Attorney assigned to the Organized Crime Strike Force (Brian T. Kelly) debriefed a cooperating witness regarding various matters under investigation by this office. The cooperating witness (Anthony Ciulla) disclosed certain information to A.U.S.A. Kelly that we believe should be brought to your attention.

The information concerns Joseph Salvati, who was one of six men convicted in 1968 for the 1965 murder of Teddy Deegan. As you know, the principal prosecution witness at trial was Joseph Barboza, a mob enforcer who admitted his own role in the murder and who was friendly with Ciulla (Ciulla was his driver). It is our understanding that Salvati claims Barboza "framed" him for two reasons: 1) in order to protect Barboza's friend, Vincent ("The Bear") Flemmi, and 2) in retaliation for Salvati's failure to repay a loanshark debt.

Ciulla has no personal knowledge of the murder. He was not involved in any way. However, Ciulla claims that Barboza discussed the Deegan murder in Ciulla's presence on several occasions (at least three times) prior to Barboza's decision to cooperate with the authorities. Ciulla believes Salvati is innocent because Barboza never mentioned Salvati when Barboza described the Deegan murder. According to Ciulla, Barboza did mention the other individuals convicted in the case (Henry Tameleo, Louis Grieco, Peter J. Limone, etc.) as well as Vincent ("The Bear") Flemmi.

We are obviously not in a position to assess the significance of this information in the context of the case against Joseph Salvati. We are simply passing it along to you for your consideration.

EXHIBIT
875

If you have any questions, please do not hesitate to call.

Very truly yours,

DONALD K. STERN
United States Attorney

By:

JAMES B. HERBERT
Assistant U.S. Attorney
Chief, Organized Crime Strike Force Unit

cc Elizabeth A. Keeley, Esq.
Chief Trial Counsel

12/18/96 WED 15:55 FAX [redacted] GOVR'S LEGAL COUNSEL OFF 002

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 727-3600

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

December 18, 1996

Executive Council
State House, Room 184
Boston, MA 02133

Dear Councillors:

I am submitting for your advice and consent my decision to commute the sentence of Joseph Salvati. Mr. Salvati was convicted in Suffolk Superior Court on July 31, 1968 of the crime of being an accessory before the fact of murder in the first degree and two related conspiracies. He was sentenced to life imprisonment.

On April 29, 1991, the Advisory Board of Pardons recommended that Mr. Salvati's sentence be commuted to a term of 33 years to life. If Mr. Salvati's life sentence is commuted to said term of years, the Board would establish parole eligibility after Mr. Salvati serves one year in a pre-release center. The Board found that Mr. Salvati has been a productive member of the prison population, consistently holding positions of responsibility during his incarceration. The Board also noted the limited role that Mr. Salvati played in the offense, finding that he had nothing to do with its actual execution. Mr. Salvati has now served 28 years in prison.

I recommend that Mr. Salvati's sentence be commuted, subject to the advice and consent of the Council, to a term of 33 years to life, so as to result in parole eligibility upon the completion of one year in a pre-release center upon the favorable decision of the Council.

Sincerely,

William F. Weld

William F. Weld
Governor

cc: Sheila Hubbard, Chair
Parole Board
Barbara Johnson, Director
Advisory Board of Pardons

EXHIBIT
876

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 727-3600

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

January 7, 1997

Executive Council
State House, Room 184
Boston, MA 02133

Dear Councillors:

I am submitting for your advice and consent my decision to commute the sentence of Joseph Salvati. Mr. Salvati was convicted in Suffolk Superior Court on July 31, 1968 of the crime of being an accessory before the fact of murder in the first degree and two related conspiracies. He was sentenced to life imprisonment.

On April 29, 1991, the Advisory Board of Pardons recommended that Mr. Salvati's sentence be commuted to a term of 33 years to life. If Mr. Salvati's life sentence is commuted to said term of years, the Board would establish parole eligibility after Mr. Salvati serves one year in a pre-release center. The Board found that Mr. Salvati has been a productive member of the prison population, consistently holding positions of responsibility during his incarceration. The Board also noted the limited role that Mr. Salvati played in the offense, finding that he had nothing to do with its actual execution. Mr. Salvati has now served 28 years in prison.

I recommend that Mr. Salvati's sentence be commuted, subject to the advice and consent of the Council, to a term of 33 years to life, so as to result in parole eligibility upon the completion of one year in a pre-release center upon the favorable decision of the Council.

Sincerely,

William F. Weld
Governor

cc: Sheila Hubbard, Chair
Parole Board
Barbara Johnson, Director
Advisory Board of Pardons

EXHIBIT
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FRANK L. WALSH
[redacted]
Boston, Massachusetts 02131

January 15,1997

To Members of the Governor's Council

At the request of Victor J. Garo, attorney for Joseph Salvatti, I am submitting an update of my previous letters regarding Joseph Salvati.

Since that time, I have received no further knowledge or information that would cause me to change the opinions expressed in those communications.

I sincerely believe that Mr. Salvati is deserving of your consideration for commutation and he should be returned to his family and community as a useful citizen.

Respectfully,

Frank L. Walsh



Law Offices
JACK I. ZALKIND
AND ASSOCIATES
[redacted]
Boston, Massachusetts 02108
[redacted]
Facsimile: [redacted]

January 22, 1997

Governor's Council
Room 184
State House
Boston, MA 02133

RE: Joseph Salvati

Dear Council Members:

On March 12, 1979 and again on August 14, 1989, I wrote to the Chairman and members of the Massachusetts Parole Board recommending that Mr. Salvati's Petition for Commutation be granted. Nothing has happened since that time to change my feelings that his commutation should be acted upon favorably. Indeed, I have learned from various sources of Mr. Salvati's exemplary life while incarcerated. From the information that has been supplied to me over the last seven years, it would seem that Mr. Salvati has strong family ties and values and the support of his community.

Accordingly, based upon the information that I have received, I respectfully support the fact that Joseph Salvati should be granted a commutation.

Very truly yours,

Jack I. Zalkind

JIZ/gi

EXHIBIT
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THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 727-3600

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

February 5, 1997

Executive Council
State House, Room 184
Boston, MA 02133

Dear Councillors:

Thank you for your letter of this date providing your advice regarding my decision to commute the sentence of Joseph Salvati, as set forth in my letter dated January 7, 1997.

Upon consideration of your letter, I recommend that Mr. Salvati's sentence be commuted, subject to the advice and consent of the Council, to that term of years that would make him eligible for parole upon the favorable decision of the Council

Sincerely,

William F. Weld

William F. Weld
Governor

cc: Sheila Hubbard, Chair
Parole Board
Barbara Johnson, Director
Advisory Board of Pardons

EXHIBIT
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THE COMMONWEALTH OF MASSACHUSETTS
GOVERNOR'S COUNCIL
ROOM 184 • STATE HOUSE • BOSTON, MA 02133
(617) 727-2756

February 5, 1997

His Excellency William F. Weld
Governor of the Commonwealth
State House
Boston, MA 02133

Dear Governor Weld:

It is our wish that you review the recommendation of December 18, 1996, concerning Mr. Joseph Salvati. The facts surrounding his incarceration seem to merit an adjustment in the commutation recommendation in order to remove the requirement that Mr. Salvati complete one additional "year in a pre-release center" before he becomes eligible for parole consideration.

It is our suggestion that you grant Mr. Salvati a commutation of his current sentence to that term of years which would make him eligible for parole upon the favorable decision of the Council.

Respectfully,

EXHIBIT
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The Commonwealth of Massachusetts
Executive Office of Public Safety
Parole Board
27-43 Wormwood Street, Suite 300
Boston, Massachusetts 02210-1606
(617) 727-3271

Sheila A. Hubbard
Chair
Natalie R. Hardy
Executive Director

**RECORD OF DECISION**

**IN THE MATTER OF**

**Joseph Salvati**
**W-31833**

**OFFENSES AND SENTENCES:** On July 31, 1968, in Suffolk Superior Court, Mr. Salvati was sentenced to life imprisonment for the crime of accessory before the fact to murder in the first degree (MGL c. 274, §4). The effective date of sentence was October 24, 1967.

On August 21, 1989, Mr. Salvati appeared before the Advisory Board of Pardons to petition the Board for commutation of his sentence. On April 29, 1991, the Advisory Board recommended to the Governor that Mr. Salvati's petition receive favorable consideration. On February 5, 1997, the Governor's Council voted to commute Mr. Salvati's sentence to a term of 46 years, 9 months and 8 days to life, creating a parole eligibility date of February 5, 1997.

**TYPE OF HEARING:** Resolve Re Refer to Full Board Vote of February 21, 1997

**DATE OF HEARING:** Office Vote

**DATE OF DECISION:** February 26, 1997

**PARTICIPATING BOARD MEMBERS:** Peter I. Cervoni, Daniel M. Dewey, Mary Ellen Doyle, Sheila A. Hubbard (Chair), Terence J. McArdle, Robert Murphy, Ruth A. Suber

**DECISION OF THE BOARD:** Reserve March 20, 1997. Home / waive work 2 weeks. No travel out of Massachusetts for one year. Report to Massachusetts field office on day of release. Supervise for gambling activity. Mr. Salvati was commuted to 46 yrs. 9 mo. to life on Feb. 5, 1997. Although he denies the offense Mr. Salvati has been lawfully convicted of all offenses and that the convictions in this case remain undisturbed.

Board Member 1: Mr. Salvati has been a satisfactory member of the prison population. He has been incarcerated for 31 yrs. He has had 176 furloughs and has done well in lower security, almost 15 yrs. He is now 64 yrs old and no longer a risk to the community. This is his first and only incarceration. He has strong family and community support.

Board Member 2: Concur.
Board Member 3: Concur with final vote.
Board Member 4: PFV [Per Final Vote]

COMMONWEALTH OF MASSACHUSETTS

*To the Commissioner, Department of Correction, Boston*

*GREETING:*

WHEREAS, before our Superior Court, holden at Boston, within and for Our County of Suffolk, on the fifth day of February, in the year one thousand nine hundred and ninety seven.

JOSEPH SALVATI

Was convicted of the crime of

Being an accessory before the fact of murder in the first degree and two related conspiracies

And thereupon by Our said Court the said

JOSEPH SALVATI

Was adjudged and sentenced for said crime to suffer imprisonment in Our State Prison for the term of life on July 11, 1968. Sentence commuted so as to allow the original sentence to be reduced to a term of 42 years, 10 months, 24 days, to life.

NOW, THEREFORE, KNOW YE, That, by and with the advice of the Council, I, William F. Weld, Governor of the Commonwealth of Massachusetts, after a due hearing of the case, do hereby grant to him, the said Joseph Salvati a commutation of the punishment he is liable to endure by the aforesaid sentence to that of imprisonment in Our State Prison for the term of life to immediate parole eligibility.

AND YOU, the Superintendent of Bay State Correctional Center, Norfolk, are required to detain and keep the said JOSEPH SALVATI according to the aforesaid conditions.

WITNESS, His Excellency William F. Weld Our Governor, with the advice and consent of Our Council and Our Great Seal hereunto affixed, at Boston, this fifth day of February in the year of Our Lord one thousand and nine hundred and ninety seven.

EXHIBIT
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William F. Weld

By His Excellency the Governor
with the advice and consent of
the Council.

Secretary of the Commonwealth

THE COMMONWEALTH OF MASSACHUSETTS
GOVERNOR'S COUNCIL
ROOM 184 · STATE HOUSE · BOSTON, MA 02133
(617) xxxxxxxx 727-2795

To Whom It May Concern:

It is my understanding, that in order to qualify Mr. Joseph Salvati for release in accord with the Governor's recommendation as set forth in his letter of February 5, 1997, that the original sentence would need to be reduced to "a term of 42 years, 10 months, 24 days, to Life."

Valerie McCarthy

Valerie McCarthy

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 99-10428 - JI |
| | : | |
| v. | : | Racketeering |
| | : | (18 U.S.C. §1962(c)) |
| JOHN J. CONNOLLY, JR. and | : | |
| STEPHEN FLEMMI | : | Racketeering Conspiracy |
| | : | (18 U.S.C. §1962(d)) |
| | : | |
| | : | Conspiracy to Obstruct Justice |
| | : | (18 U.S.C. §371) |
| | : | |
| | : | Obstruction of Justice |
| | : | (18 U.S.C. §§1503, 1512) |
| | : | |
| | : | False Statement |
| | : | (18 U.S.C. §1001) |

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE - Racketeering
(John J. Connolly, Jr.)

GENERAL ALLEGATIONS

1. From November 1968 to December 1990, the defendant JOHN J. CONNOLLY JR. ("CONNOLLY") was a Special Agent of the Federal Bureau of Investigation ("FBI"). From February 1973 until his retirement in December 1990, CONNOLLY was assigned to the Boston Field Office of the FBI.

2. At all times material to this Indictment, the "Winter Hill Gang" was a clandestine

[redacted]

000162

EXHIBIT
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federal Grand Jury in the District of Massachusetts by providing confidential law enforcement information to Francis P. Salemme which alerted him to the fact that the Grand Jury would be asked to issue an indictment against him, in violation of Title 18, United States Code, Sections 1503 and 2.

Racketeering Act #13

71. On or about March 27, 1997, during pretrial proceedings in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.), CONNOLLY caused to be sent to United States District Judge Mark L. Wolf a letter falsely purporting to have been written by three unnamed members of the Boston Police Department.

72. That letter stated, in part, that "[t]he Massachusetts State Police, DEA and the FBI are ... guilty of prosecutorial misconduct in the so-called investigation of Frank Salemme, Whitey Bulger and Stevie Flemmi." The letter went on to state that Boston Police Detective Frank Dewan, the Massachusetts State Police, the DEA, the FBI and the Department of Justice Organized Crime Strike Force had furnished or relied upon false information in efforts to prosecute James Bulger and Stephen Flemmi. In specific reference to an issue directly before the Court at the time, the letter contended that: "You, Judge Wolf, were deliberately lied to by the Government when they testified under oath that they did not know a Mafia induction ceremony was going to take place at the time they applied for their wire." The letter implored Judge Wolf to "expose Dewan, [former FBI Special Agent John] Morris, and all the rest of the criminal element in those agencies who every bit as much tarnished their own badges!"

73. The defense attorneys in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.) filed a brief regarding the letter and on April 18, 1997, Judge Wolf held a hearing

regarding the letter.

74. On or about March 27, 1997, in the District of Massachusetts, CONNOLLY did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede an officer of a court of the United States in the discharge of his duty and did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in pretrial proceedings in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.) by, having obtained letterhead of the Boston Police Department, causing to be sent to United States District Judge Mark L. Wolf a letter falsely purporting to have been written by unnamed Boston Police Officers in an effort to dupe Judge Wolf into crediting defense claims and to assist through false representations the defense of Stephen Flemmi, in violation of Title 18, United States Code, Sections 1503 and 2.

**Racketeering Act 14**

75. CONNOLLY committed the following acts, any one of which alone constitutes Racketeering Act 14:

**Racketeering Act #14A**

76. In or about early 1998, the exact date being unknown, Flemmi was preparing to testify in pretrial hearings in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.) in support of his claim that he had been authorized by the Federal Bureau of Investigation to commit certain of the crimes charged in that indictment.

77. Through an intermediary, Flemmi informed CONNOLLY that he would falsely testify that it was John Morris, rather than CONNOLLY, who had alerted him and James Bulger to the impending indictment, as alleged in Racketeering Acts 11 and 12.

6/24/97 Boston Globe B1
1997 WL 6258713

The Boston Globe
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Tuesday, June 24, 1997

METRO/REGION

Jimmy **Bulger**: fox in FBI coop
Mike **Barnicle**, Globe Staff

**MIKE BARNICLE**

If Louis Freeh, head of the FBI, thinks the bureau had a headache after Waco, wait until he discovers how many naive dopes he had working as agents here in Boston. Why, Freeh's squash will be bigger than the Goodyear blimp with this migraine because it appears that for years a crook turned his cops into informants.

The entertaining story begins long before Judge Freeh got the big job running the bureau. It starts about 25 years ago with a bunch of obsessed Irish FBI agents thrilled at the prospect of arresting almost any Italian at all.

Then, the FBI sought desperately to put Jerry Angiulo, and anybody who had ever nodded to him on Hanover Street, inside federal prison until they rotted. Of course, the government had a significant advantage in this war on the Mob: Angiulo and his men were merely bragging morons with bad tempers who lacked the self discipline to keep their faces shut.

To real police, this fatal flaw would have been enough. But because the FBI for decades sought to portray itself -- through the media, through movies and through constant propaganda eagerly consumed by a public that grew up on myths of Dillinger and communists -- as infallible, the bureau constantly required more material to prop up its image and grab gangsters so dumb they often held the keys to jail in their own hands.

So the FBI went out and retained an army of confidential informants to help catch their splendid prize, this Angiulo. Among those enrolled as Junior G-Men was Jimmy **Bulger**, today a fugitive.

According to observers at federal court, the **Bulger** file has been in the Justice Department through the terms of several United States attorneys. It is stamped "T.E." for Top Echelon status.

Reportedly, one of the former US attorneys who learned of it was William F. Weld. James "Whitey" **Bulger's** alleged role as informant was, according to sources, revealed to Weld years ago when he sought



sophisticated electronic surveillance on **Bulger** but was told the bureau did not tap active informants.

Jimmy **Bulger** is many things. Stupid is not among them.

Now while a federal judge, Mark Wolf, tries to peel away several layers of secrecy in order to find out who is lying more -- the good guys or the bad guys -- the foundation of prior convictions quakes beneath the possibility of perjury having been committed by those sworn to uphold truth: Government lawyers who may have said the Mafia had to be tapped because there was no other way to get them. This is called "lying people into jail" and it can happen when arrogant prosecutors feel their cause is so just that any means necessary to achieve it -- including deception or omissions under oath -- must be tolerated.

The FBI figured **Bulger** was their prize source on all things criminal, locally. What the FBI apparently did not factor into that lame equation was **Bulger's** cunning. According to sources, the man has his own tapes -- years' worth -- of FBI agents supplying him with more critical information than **Bulger** ever gave the bureau. This is a classic case of an informant being cute enough to end up actually handling his own handlers.

There were times when **Bulger** would arrive, electronically wired, for a meet with an agent assigned to gather intelligence (and that is a truly ludicrous word when employed in this scenario) from him. Perfect irony, tapping the tappers.

The entire spectacle has marvelous potential. It is loaded with the possibility of deep embarrassment and perhaps worse for the government, for the FBI as well as for a few former Justice Department lawyers. The government might see some convictions tossed out. The FBI could be put on display as an agency easily conned, and some lawyers might have to explain what they knew about the role of confidential informants and when they knew it.

And the tale is also a tribute to the power of charm. Jimmy **Bulger,** enmeshed in a bad business as his chosen career, had the capacity to be enormously charming at times. Certainly, his personality and demeanor were far more entrapping and seductive to Irish FBI agents than to complete thugs named Salemme, Angiulo, Ferrara or Carozza, which explains why, whenever the FBI would be be told the truth by the State Police or Boston cops, some agent would always say, "Hey, Jimmy's not a bad guy. We know him."

Well, judgment day is close at hand. And the Justice Department might soon have to stand in open court and explain how it was that the FBI became thick as thieves with a fugitive they only thought they knew.

Office of the Deputy Attorney General
Washington, D.C. 20530

July 3, 1997

MEMORANDUM FOR THE ATTORNEY GENERAL

From: THE ACTING DEPUTY ATTORNEY GENERAL

Subject: Investigation of Allegations of Criminal and Non-Criminal Misconduct Arising from the Prosecution and Investigation of United States v. Salemme, et al. in the District of Massachusetts

Discussion:

Over the past week, my staff and I have had extensive discussions with high-level representatives of the following components regarding the steps the Department should take to investigate allegations of criminal and non-criminal misconduct arising from the prosecution and investigation of United States v. Salemme, et al. in the District of Massachusetts: the United States Attorney's Office for the District of Massachusetts (USAO); the Criminal Division, including the Public Integrity Section (PIS); the Department of Justice's Office of Professional Responsibility (DOJ-OPR); the Federal Bureau of Investigation, including its Office of Professional Responsibility (FBI-OPR); and the Office of the Inspector General.

The following allegations, among others, have been raised to date in the Salemme case: (i) that FBI agents improperly authorized informants to commit criminal acts; (ii) that FBI agents warned current or former informants that they were the targets of investigation or were about to be arrested or indicted; (iii) that FBI agents improperly received benefits from current or former informants or otherwise maintained improper personal relationships with current or former informants; and (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.[1]

[1] For the purposes of this memorandum, the term "Salemme case" encompasses acts occurring since the filing of the indictment in that case, as well as acts that pre-date the filing of the indictment (some by more than 25 years), which nonetheless have been raised by the defendants or the District Court during

EXHIBIT 886

07/08/97 TUE 09:35 FAX OCRS WASH CRM DIV. 002

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);<br>OBSTRUCTION OF JUSTICE;<br>OFFICE OF PROFESSIONAL<br>RESPONSIBILITY (OPR);<br>BOSTON DIVISION;<br>OO: FBIHQ | Joshua Hochberg, PIS, DOJ<br>IIC Charles S. Prouty | tls |
| | CHARACTER OF CASE<br>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:<br>3 - Bureau (263-HQ-1220323)<br>(1 - AD Michael A. DeFeo)<br>(2 - Inspection Team)<br>1 - Department of Justice<br>1 - Massachusetts USAO Trial Team | | |

| DISSEMINATION RECORD OF ATTACHED REPORT | | | | |
|---|---|---|---|---|
| Agency | | | | |
| Request Recd | | | | |
| Date Fwd | | | | |
| How Fwd | | | | |
| By | | | | |

Notations

COVER PAGE

EXHIBIT
887

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.

The Boston Globe
Copyright 1998

Wednesday, May 6, 1998

METRO/REGION

Informant's treatment questioned
Patricia Nealon, Globe Staff

When Stephen Flemmi was on the run, FBI agent Dennis Condon periodically asked his informants about Flemmi's whereabouts, filing some two-dozen reports and dutifully recording tips.

Yet when Flemmi was finally arrested in May 1974, he walked into Boston police headquarters on his own, and walked out of court on bail a short time later, despite five years as a fugitive.

The charges that Flemmi ran from -- the 1968 car bombing of attorney John Fitzgerald and the murder of William Bennett of Dorchester a year earlier -- were ultimately dismissed, along with a federal fugitive charge.

Yesterday, during hearings in federal court, the attorney for Flemmi's fellow fugitive, New England Mafia boss Francis P. Salemme, tried to show that Flemmi received preferential treatment because he had been feeding the FBI information.

Salemme was arrested on a New York street in November 1972 by FBI agent John Connolly after Condon had sent photos and made phone calls to the FBI's New York office to "spark them up" about catching Salemme.

Salemme, unlike Flemmi, was tried and convicted in the car-bombing case, in which Fitzgerald lost a leg. Salemme served 15 years in prison.

Condon, a former state commissioner of public safety who retired from the FBI in 1977, said Flemmi was not given special treatment. He also rejected Flemmi's claim that he and criminal partner James "Whitey" Bulger were given immunity from prosecution, as Flemmi claims.

Defense attorney Anthony M. Cardinale, who represents Salemme, walked Condon through five years of reports he had filed dealing with Flemmi's life on the lam, including a January 1973 report noting that Flemmi and Salemme had split up because Flemmi was "sick of being ordered around by Salemme."

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Cardinale asked Condon if he had passed along information from an informant that Robert Daddieco, the key government witness in the Fitzgerald bombing, felt animosity toward Salemme but not Flemmi.

Condon said he could not recall if he shared the information with prosecutors, who in turn would have had to share it with Salemme's lawyer as potentially exculpatory evidence. But Condon said it was his normal practice to give such information to prosecutors.

In an affidavit filed with the court last September, Flemmi claimed that he was told by Daddieco some 12 years after the bombing charges against Flemmi were dropped that Daddieco had set up Salemme for the Fitzgerald bombing and had lied about Flemmi's alleged involvement.

Condon could not explain why he made no direct effort to discern Flemmi's whereabouts in the seven months following Salemme's arrest. And he could not recall if he knew Flemmi was an FBI informant when Flemmi became a fugitive in 1969.

But under cross-examination by Assistant US 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.

The federal fugitive charge was dropped, Condon said, because it was standard practice to do so when a fugitive surrendered to the charges that prompted the flight.

---- INDEX REFERENCES ----

KEY WORDS: BOSTON; ORGANIZED CRIME; TRIAL; NAME-FLEMMI; NAME-SALEMME; FBI

EDITION: CITY EDITION

Word Count: 542

5/6/98 BOSTONG B4

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Las Vegas Metropolitan Police Department
400 East Stewart Avenue
Las Vegas, Nevada 89101-2984
(702) 795-3111

September 29, 1997

ERRY
ELLER,
heriff

Tom Bezanson, Deputy U. S. Marshal
90 Devonshire Street, Room 1516
Boston, Massachusetts 02109

**In response, please reply to:**
Sergeant K. Manning
D. Hatch/Cold Case Review
Homicide Section
Reference: CCSO File # 184-458
Murder victim: Peter J. Poulos
Murder suspect: Stephen J. Flemmi
FBI # 401-425C
Murder suspect: Frances P. Salemme
FBI # 433-761F.
Murder warrant: Authority
Clark County/Las Vegas Justice Court
Crime of Murder. Warrant# 441-24A,
Issued 3-12-70. Warrant recalled March 1989
Without prejudice (Prosecution pending).

Dear Deputy Marshal Bezanson:

As per our telephone conversation of 9-24-97, this agency is presently reviewing homicide cases that have been listed as unsolved/unresolved. In reviewing the above murder case, these investigators determined a warrant was issued charging Stephen Flemmi and Frances Salemme with the murder of Peter J. Poulos. This murder occurred in Clark County, Nevada, as a result of an unrelated homicide occurring in Boston, Massachusetts. The deceased and these two suspects had been indicted by the State of Massachusetts charging them with the murder of William Bennett, this crime occurring in Boston, Massachusetts, on December 23, 1967.

As a result of our review of this case, it appears to be a prosecutable case and through a record search of Frances Patrick Salemme, it was discovered that he had been in custody in the Massachusetts Correctional System until 1988. Our records reveal that the Clark County District Attorney recalled this warrant in March of 1989; however, did not request dismissal of charges, merely recalling an active warrant.

EXHIBIT
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*Partners with the Community*

Continuation of letter to Deputy Marshal Benzason
Dated: 9-29-97

We are attempting to determine through the present District Attorney if prosecution is feasible. If so, it is our intention to travel to your jurisdiction and attempt to interview both of these suspects.

Could you please provide a copy of this letter to these suspects' defense attorneys and advise them to contact this office concerning interview of their clients.

Sincerely,

JERRY KELLER, SHERIFF

By: Kevin Manning, Sergeant
(Dictated by D. Hatch)

97M0801 /JK:KM:DH:lr

BostonMafia.Com



## Alleged Patriarca Family members and associates

**DONATO "DANNY" ANGIULO** - Recently released from prison
**FRANK ANGIULO** - Prison
**GENNARO "JERRY" ANGIULO** - Prison
**NICOLO "NICK" ANGIULO** - Died nautral causes, prison.
**NICKY BIANCO** - dead
**ROBERT CORROZA SR.** - Prison
**ROBERT CORROZA JR.** - Prison
**ROBERT "BOBBY" DELUCA** - Prison
**BIAGIO DIGIACOMO** - On the streets
**LOUIS FAILLA** - Dead
**VINCENT "THE ANIMAL" FERRERRA** - Prison
**ROBERT LUISI JR.** - Witness protection program
**VINCENT "GIGI PORTALLA" MARINO** - Prison
**ANGELO "SONNY" MERCURIO** - Informant, Atlanta prison
**GAETANO MILANO** - Prison
**RAYMOND PATRIARCA JR.** - Released dec. 1998 from prison.
**JOSEPH "J.R." RUSSO** - Died 1998, nautral causes in prison
**FRANK "CADILLAC FRANK" SALEMME** - Prison, Sentenced to 8 years in 2000
**CARMEN TORTORRA** - Soon to be released alleged soldier

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1/7/98 Boston Herald 006
1998 WL 7334127

Boston Herald
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Wednesday, January 7, 1998

NEWS

Mobster: I had license to kill Flemmi says FBI knew he was murderer
RALPH RANALLI

Winter Hill wiseguy and FBI informant Stephen "The Rifleman" 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-1970s, defense lawyers alleged yesterday.

The alleged promise and delivery of that protection helped seal Flemmi's loyalty to the bureau for the next 20 years and was proof that the FBI gave the Quincy gangster "immunity" from prosecution for his crimes, the lawyers said during opening arguments in hearings on the FBI's informant relationships with Flemmi, 63, and fugitive South Boston crime boss James J. "Whitey" Bulger, 67.

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.

The 1995 indictment alleges a racketeering conspiracy between the Patriarca crime family and the Winter Hill Gang to control Boston's underworld, but in one argument, the lawyers are charging that Winter Hill - i.e. Bulger and Flemmi - were really working with the FBI to eliminate their La Cosa Nostra rivals.

"The very foundation for this prosecution lies on very fragile ground," Martorano's lawyer Martin Weinberg said.

Attorney Anthony Cardinale told U.S. District Court Judge Mark L. Wolf that Flemmi had already been a government witness for several years when he was charged in 1969 with killing Irish gangster William "Billy" Bennett in an underworld power struggle and with trying to murder Everett lawyer John **Fitzgerald** with a car bomb.

Bennett, 56, was shot, killed and dumped in a Dorchester snowbank two days before Christmas in 1967 after he vowed to avenge the slayings of his two brothers killed earlier that year.



EXHIBIT
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**Fitzgerald**'s car, loaded with dynamite, exploded in front of his Everett office as he was leaving work on the evening of Jan. 30, 1968. **Fitzgerald**, believed to be targeted because he represented Mob informant Joseph Barboza, lost a leg in the incident.

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.

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 **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.

Rico, who left the FBI in the mid-1970s and lives in Florida, is expected to testify in the next few days.

In a brief opening statement yesterday, a federal prosecutor scoffed at the defense assertions, saying they were tantamount to Flemmi saying he was a "Junior G-Man" with a license to kill.

"He's saying 'I can kill people! I can blow up lawyers!'" Assistant U.S. Attorney Fred M. Wyshak said. "Isn't that preposterous?"

Wyshak predicted that documents in the case will not show what Cardinale, Weinberg and Flemmi's lawyer Kenneth Fishman said they would. He also allowed that Flemmi may have been spared prosecution in less serious cases, but he said that resulted from legitimate prosecutorial discretion, not a blanket grant of immunity.

Also yesterday, Fishman said another key witness in the case, former FBI Special Agent and Bulger/Flemmi "handler" John Connolly will refuse to testify, citing his right not to incriminate himself under the Fifth Amendment.

Fishman told Wolf he had received a letter to that effect from Connolly's lawyer, Robert Popeo.

Photo Caption: John **Fitzgerald,** below, was visited by Attorney General Elliot Richardson, middle, and Middlesex District Attorney John Droney after **Fitzgerald's** car was bombed, above. Herald file photos

---- INDEX REFERENCES ----

EDITION: AL

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 99-10428 - RGT |
| | : | |
| v. | : | Racketeering |
| | : | (18 U.S.C. §1962(c)) |
| JOHN J. CONNOLLY, JR. and | : | |
| STEPHEN FLEMMI | : | Racketeering Conspiracy |
| | : | (18 U.S.C. §1962(d)) |
| | : | |
| | : | Conspiracy to Obstruct Justice |
| | : | (18 U.S.C. §371) |
| | : | |
| | : | Obstruction of Justice |
| | : | (18 U.S.C. §§1503, 1512) |
| | : | |
| | : | False Statement |
| | : | (18 U.S.C. §1001) |

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE - Racketeering
(John J. Connolly, Jr.)

GENERAL ALLEGATIONS

1. From November 1968 to December 1990, the defendant JOHN J. CONNOLLY JR. ("CONNOLLY") was a Special Agent of the Federal Bureau of Investigation ("FBI"). From February 1973 until his retirement in December 1990, CONNOLLY was assigned to the Boston Field Office of the FBI.

2. At all times material to this Indictment, the "Winter Hill Gang" was a clandestine



regarding the letter.

74. On or about March 27, 1997, in the District of Massachusetts, CONNOLLY did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede an officer of a court of the United States in the discharge of his duty and did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in pretrial proceedings in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.) by, having obtained letterhead of the Boston Police Department, causing to be sent to United States District Judge Mark L. Wolf a letter falsely purporting to have been written by unnamed Boston Police Officers in an effort to dupe Judge Wolf into crediting defense claims and to assist through false representations the defense of Stephen Flemmi, in violation of Title 18, United States Code, Sections 1503 and 2.

**Racketeering Act 14**

75. CONNOLLY committed the following acts, any one of which alone constitutes Racketeering Act 14:

**Racketeering Act #14A**

76. In or about early 1998, the exact date being unknown, Flemmi was preparing to testify in pretrial hearings in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.) in support of his claim that he had been authorized by the Federal Bureau of Investigation to commit certain of the crimes charged in that indictment.

77. Through an intermediary, Flemmi informed CONNOLLY that he would falsely testify that it was John Morris, rather than CONNOLLY, who had alerted him and James Bulger to the impending indictment, as alleged in Racketeering Acts 11 and 12.

78. Through the same intermediary CONNOLLY informed Flemmi that Flemmi should assert that John Morris learned of the impending indictment through Washington which had received a "pros memo."

79. In or about early 1998, the exact date being unknown, in the District of Massachusetts, CONNOLLY did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede an officer of a court of the United States in the discharge of his duty and did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in pretrial proceedings in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.) by corruptly persuading Stephen Flemmi to testify falsely that John Morris had learned of the impending indictment in United States v. Salemme et al. through Washington which had received a "pros memo," so that Flemmi could more plausibly testify falsely that John Morris had tipped James Bulger and him to the impending indictment in that case, in violation of Title 18, United States Code, Sections 1503 and 2

80. Subsequently, on August 28, 1998 and September 1, 1998, Flemmi falsely testified before United States District Judge Mark L. Wolf that John Morris had alerted Bulger to the impending indictment in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.) after Morris had learned of the indictment from Washington, which had received a copy of the "cross memo" in the case.

**Racketeering Act #14B**

81. The allegations contained in Paragraphs 76 through 78 and 80 of Racketeering Act 14A are realleged in this Racketeering Act and are incorporated by reference as if fully set forth.

82. In or about early 1998, the exact date being unknown, in the District of Massachusetts,

5/6/98 Boston Herald 021
1998 WL 7344634

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Wednesday, May 6, 1998

NEWS

# Former FBI agent testifies **Salemme's** '72 bust no setup

RALPH RANALLI

Despite a suspicious array of connections and coincidences that raised eyebrows in federal court, a former FBI agent insisted yesterday that Mob boss Francis P. "Cadillac Frank" **Salemme's** 1972 murder arrest in New York was not a setup.

Former agent Dennis Condon testified he spent two years in the early 1970s trying to hunt down **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, however, insisted he never saw the document and that Rico never told him he had been designated as Flemmi's alternate handler.

Condon completed his testimony yesterday at hearings delving into the FBI's controversial informant relationships with Flemmi, 63, of Quincy and South Boston crime boss James F. "Whitey" Bulger, 68.

Defense lawyers for Flemmi, **Salemme** and three other wiseguys have alleged the bureau protected Flemmi and Bulger in exchange for intelligence on their Italian Mob rivals and even their own Winter Hill gang allies.

As an example, **Salemme's** attorney, Anthony Cardinale, has charged that Flemmi "set up" his friend **Salemme** for arrest in New York. The pair were on the run after being accused of killing the three Bennett brothers, Edward, Walter and William, during a Mob turf war in 1967 and blowing up attorney John **Fitzgerald's** car in 1968. **Fitzgerald** lost a leg in the incident.

Under questioning by Cardinale, Condon admitted that



EXHIBIT
895

recently unsealed secret FBI documents indicate that, before **Salemme** was arrested, the agent routinely asked his informants for information about **Salemme** and Flemmi's whereabouts.

But the documents after **Salemme's** arrest show only sporadic information on Flemmi and no indication that Condon pressed his informants for Flemmi's whereabouts. **Salemme** was convicted of the bombing charges while similar charges against Flemmi were later dropped.

Condon, however, insisted that **Salemme's** arrest was "strictly chance," - a statement that prompted the Mob boss himself to roll his eyes and mouth the word "Wow."

**Salemme** was arrested by then-Special Agent John Connolly, who eventually became Flemmi and Bulger's FBI handler in the 1980s.

In previous testimony, Condon has admitted trying to recruit Bulger as an informant but giving up because he wasn't producing.

Yesterday, defense lawyers unveiled a 1973 FBI document containing a notation that Bulger was "actively pressuring bookmakers and shylocks" and that he was told he was "coming on too strong and to curtail such activity in the future." Condon, however, insisted he had not written the notation.

---- INDEX REFERENCES ----

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1998 WL 9131942

The Boston Globe
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Wednesday, May 6, 1998

METRO/REGION

# Informant's treatment questioned

Patricia Nealon, Globe Staff

When Stephen Flemmi was on the run, FBI agent Dennis Condon periodically asked his informants about Flemmi's whereabouts, filing some two-dozen reports and dutifully recording tips.

Yet when Flemmi was finally arrested in May 1974, he walked into Boston police headquarters on his own, and walked out of court on bail a short time later, despite five years as a fugitive.

The charges that Flemmi ran from -- the 1968 car bombing of attorney John **Fitzgerald** and the murder of William Bennett of Dorchester a year earlier -- were ultimately dismissed, along with a federal fugitive charge.

Yesterday, during hearings in federal court, the attorney for Flemmi's fellow fugitive, New England Mafia boss Francis P. **Salemme**, tried to show that Flemmi received preferential treatment because he had been feeding the FBI information.

**Salemme** was arrested on a New York street in November 1972 by FBI agent John Connolly after Condon had sent photos and made phone calls to the FBI's New York office to "spark them up" about catching **Salemme.**

**Salemme**, unlike Flemmi, was tried and convicted in the car-bombing case, in which **Fitzgerald** lost a leg. **Salemme** served 15 years in prison.

Condon, a former state commissioner of public safety who retired from the FBI in 1977, said Flemmi was not given special treatment. He also rejected Flemmi's claim that he and criminal partner James "Whitey" Bulger were given immunity from prosecution, as Flemmi claims.

Defense attorney Anthony M. Cardinale, who represents **Salemme**, walked Condon through five years of reports he had filed dealing with Flemmi's life on the lam, including a January 1973 report noting that Flemmi and **Salemme** had split up because Flemmi was "sick of being ordered around by **Salemme**."

Cardinale asked Condon if he had passed along information from an informant that Robert Daddieco, the key government witness in the **Fitzgerald** bombing, felt animosity toward **Salemme** but not Flemmi.

Condon said he could not recall if he shared the information with prosecutors, who in turn would have had to share it with **Salemme's** lawyer as potentially exculpatory evidence. But Condon said it was his normal practice to give such information to prosecutors.

In an affidavit filed with the court last September, Flemmi claimed that he was told by Daddieco some 12 years after the bombing charges against Flemmi were dropped that Daddieco had set up **Salemme** for the **Fitzgerald** bombing and had lied about Flemmi's alleged involvement.

Condon could not explain why he made no direct effort to discern Flemmi's whereabouts in the seven months following **Salemme's** arrest. And he could not recall if he knew Flemmi was an FBI informant when Flemmi became a fugitive in 1969.

But under cross-examination by Assistant US 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.

The federal fugitive charge was dropped, Condon said, because it was standard practice to do so when a fugitive surrendered to the charges that prompted the flight.

---- INDEX REFERENCES ----

KEY WORDS: BOSTON; ORGANIZED CRIME; TRIAL; NAME-FLEMMI; **NAME-SALEMME;** FBI

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**Alleged Patriarca Family members and associates**

**DONATO "DANNY" ANGIULO** - Recently released from prison
**FRANK ANGIULO** - Prison
**GENNARO "JERRY" ANGIULO** - Prison
**NICOLO "NICK" ANGIULO** - Died nautral causes, prison.
**NICKY BIANCO** - dead
**ROBERT CORROZA SR.** - Prison
**ROBERT CORROZA JR.** - Prison
**ROBERT "BOBBY" DELUCA** - Prison
**BIAGIO DIGIACOMO** - On the streets
**LOUIS FAILLA** - Dead
**VINCENT "THE ANIMAL" FERRERRA** - Prison
**ROBERT LUISI JR.** - Witness protection program
**VINCENT "GIGI PORTALLA" MARINO** - Prison
**ANGELO "SONNY" MERCURIO** - Informant, Atlanta prison
**GAETANO MILANO** - Prison
**RAYMOND PATRIARCA JR.** - Released dec. 1998 from prison.
**JOSEPH "J.R." RUSSO** - Died 1998, nautral causes in prison
**FRANK "CADILLAC FRANK" SALEMME** - Prison, Sentenced to 8 years in 2000
**CARMEN TORTORRA** - Soon to be released alleged soldier

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Friday, October 1, 1999

METRO/REGION

# Mobster pleads guilty to murders >Judge considers Martorano deal

Shelley Murphy, Globe Staff

The scowl he wore while learning of the endless betrayals by his longtime Winter Hill Gang cohorts James "Whitey" Bulger and Stephen Flemmi was gone yesterday as John Martorano strolled into a federal courtroom in Boston and calmly pleaded guilty to killing 10 people. Appearing relaxed and slightly tanned -- and looking more like a businessman than a confessed hit man in his gray pin-striped suit, pale blue shirt and yellow-gray tie -- Martorano took another step toward paying back FBI informants Bulger and Flemmi. Martorano, 58, pleaded guilty to killing 10 people in the 1970s onbehalf of a racketeering enterprise -- the Winter Hill Gang -- as well as racketeering, extortion, and money laundering. 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 alsoconfessed to another eight murders during the 1960s and 1970s for which it appears he will never be charged. Martorano has implicated Bulger as an accomplice in three murders and Flemmi in half a dozen slayings, according to sources. Last year,as he listened grim-faced in federal court, Martorano learned that Bulger and Flemmi were longtime FBI informants who betrayed both their friends and the Mafia in exchange for FBI protection. US District Judge Mark L. Wolf accepted Martorano's plea, but postponed any decision on whether he will go along with a government recommendation to sentence Martorano to 12 1/2 to 15 years in prison.If the judge rejects the recommendation, Martorano can withdraw his plea and the deal would fall apart. "I wanted to choke him. He's sitting there unremorseful," said Richard Castucci after Martorano admitted killing Castucci's father, Richard, a 47-year-old Revere nightclub owner, on Dec. 30, 1976. Martorano says that he, Bulger, and Flemmi killed Castucci, who was found shot to death in the trunk of a car. "I think they're treating him very nicely for admitting to killingall these men," said Denise Castucci, who was 21 when her father was slain. But in a telephone interview, David Wheeler, the son of another one of Martorano's victims, said Martorano's deal is "the price we pay to get to the leaders, the people who ran the Winter Hill Gang, the people who have enjoyed the protection of the FBI." Martorano has admitted gunning down Roger Wheeler, chairman of Telex Corp. and owner of World Jai Alai, outside a Tulsa country clubon May 27, 1981, but says the murder was orchestrated by Bulger and Flemmi to hide the fact that the Winter Hill Gang was skimming profits from Wheeler's company. The FBI's handling of the Wheeler case is under investigation by agrand jury. The FBI failed to tell Tulsa investigators that an informant -- who was later gunned down -- had implicated Bulger and Flemmi in

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Wheeler's slaying. Defending the deal with Martorano, US Attorney Donald K. Stern said it marked a "somewhat rocky and long road to justice." Without Martorano's cooperation, Stern said the 20 murders he confessed to would have remained unsolved and nobody would ever be punished for them. Martorano's cousin, Joe, who attended yesterday's hearing, said, "I hope he gets a fair shake. I think it's best to get everything outon the table where it belongs. Let the chips fall where they may – FBI or no FBI." Earlier this week, black community leaders urged authorities to investigate whether Martorano killed more blacks than the four he hasadmitted to. They cited a Globe column last year by Mike Barnicle that quoted retired Boston Police Detective Eddie Walsh saying that Martorano "used blacks for target practice." "As far as I know, it's fantasy and made up," said Stern, adding that if Martorano is caught lying, his deal is void and he could be prosecuted for murder. Within law enforcement circles, Walsh's statements have been viewed as an effort to sabotage Martorano's deal to prevent him from testifying against Bulger. Bulger's former handler, retired FBI AgentJohn Connolly, has described Walsh to reporters as Connolly's "cousin."

---- INDEX REFERENCES ----

NAMED PERSON: WHEELER, DAVID

KEY WORDS: BOSTON; ORGANIZED CRIME; PROBE; MURDER; NAME-MARTORANO

NEWS SUBJECT: Local/Regional Section (LCR)

REGION: Massachusetts; Eastern U.S.; United States; North America (MA USE US NME)

EDITION: CITY EDITION

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The Boston Globe
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Sunday, January 23, 2000

Metro/Region

# FBI AGENTS WONDER WHO'S NEXT IN PROBE

Ralph Ranalli, Globe Correspondent

The organized crime squad of the Boston office of the FBI was lionized as a national model in the 1980s, revered as the group that built the nation's first racketeering case against an entire Mafia organization and that secretly tape-recorded the mob's holiest of holies, an initiation ceremony complete with blood oaths and burnt religious cards.

Two decades later, because of the close ties agents forged with gangsters in order to bring down the Mafia, the program may gain new notoriety for a less noble reason, as part of the most heavily investigated field office in FBI history.

Working in secret in separate parts of the state, tandem investigations are reviewing the actions of FBI agents, weighing whether their close ties to informants crossed the line into criminality. Already, the most celebrated of the mob chasers - former FBI agent John Connolly - has been indicted as an alleged racketeering conspirator, along with his two prized informants, James "Whitey" Bulger and Stephen Flemmi.

And last week, FBI agent John Newton, a close friend of Connolly's, was notified that the bureau wants him fired for allegedly lying about his dealings with Connolly.

As the US Justice Department investigation centered in Boston and run by out-of-towners, including John Durham, a federal prosecutor from Connecticut, heads into its second year, more than a dozen current and former agents are being put under the microscope.

"This case is unique in the annals of the bureau," one top former FBI official said last week. "There have been investigations of agents and field offices before, but they have mostly been one-shot deals."

The investigation arose out of 1998 hearings in an earlier federal racketeering case brought against Bulger, Flemmi, reputed New England Mafia boss Francis P. "Cadillac Frank" Salemme and others.

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After Flemmi alleged in 1997 that the FBI had given him de facto immunity from prosecution, US District Judge Mark L. Wolf held months of hearings that uncovered numerous instances where current and former FBI agents apparently used both illegal and unethical measures to protect their sources from prosecution.

Among the worst of Wolf's post-hearing findings was that Connolly and his former supervisor, John Morris, may have revealed to Bulger and Flemmi the identities of "at least a dozen" other informants who might implicate them in crimes. At least two of those informants were later murdered: Edward Brian Halloran of South Boston and John McIntyre of Quincy, whose body is believed to have been one of three found buried in Dorchester this month.

Skeptics have long questioned the ability of the FBI to investigate itself in the wake of the sieges at Ruby Ridge and Waco, and the mishandling of evidence at the FBI Laboratory in Washington.

Questions were first raised about the bureau's commitment to probing its own conduct after its Office of Professional Responsibility looked into Flemmi's allegations and found no prosecutable crimes.

But now, even hard-core skeptics appear to view Durham's probe as the real thing and are asking different questions: Where is it going? Who's next?

Some observers who have followed Durham's probe see not one, but several groups of agents with differing levels of culpability, forming a series of concentric circles.

The innermost circle, composed of those most likely to face the brunt of Durham's scrutiny, includes those closest to Flemmi and Bulger. For decades, the two Winter Hill Gang chieftains were part of the Top Echelon Informant Program, which encouraged the recruitment of Mafia killers and career criminals as sources of inside information on the Italian-American Mafia.

Connolly, the agent closest to the pair and their longtime handler, has already been indicted. According to sources familiar with the probe, agents from the FBI's Office of Professional Responsibility have turned Connolly's life inside out, going over his financial records, scrutinizing his real estate dealings, even subpoenaing his barber.

Sources said now that Bulger's former top lieutenant, Kevin Weeks, is cooperating with authorities, it is widely expected that more charges will be added to the December indictment against Connolly.

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The next most likely person to face charges is H. Paul Rico, a legendary former agent from Belmont who originally recruited Flemmi as an informant in the early 1960s.

Another former Bulger-Flemmi ally turned government witness, John Martorano, has reportedly said Rico participated in setting up the murder of Tulsa, Okla., businessman Roger Wheeler in May 1981.

Martorano's claim corroborates information given to the FBI in 1982 by Halloran. Federal prosecutors have alleged that Halloran was killed by Bulger and Flemmi to prevent him from disclosing their role in the Wheeler murder.

Two others in the inner circle have also been investigated: former agent and state secretary of public safety Dennis Condon, and Morris.

But Morris was given immunity from prosecution by US Attorney Donald K. Stern's office. Morris admitted taking $7,000 in cash and numerous gifts from Bulger and Flemmi, as well as feeding them inside information.

The outer circles, sources familiar with the probe say, are composed of agents who were close to Connolly and who may have had occasional contact with him, Bulger, and Flemmi. Financial and other records have been subpoenaed from several agents and their spouses.

Sources familiar with the probe caution, however, that while agents may have acted unethically or even criminally, there is no guarantee that they will be indicted, since the statute of limitations on crimes such as obstruction of justice has long ago run out. And, in fact, most of the agents and former agents being questioned by investigators are considered potential witnesses against Connolly and his closest associates and are not themselves being targeted for prosecution.

But Barry Mawn, head of the Boston office of the FBI, hinted at a news conference that internal sanctions might be taken against some active agents.

"I can't disclose some of the other things that are going on in the office," Mawn said.

Newton let Connolly, Bulger, and Flemmi use his South Boston apartment for meetings. His lawyer, George McMahon, said Newton will fight FBI dismissal proceedings against him in Washington, denying

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allegations that he lied to protect Connolly.

Other Connolly friends have also been scrutinized, including Special Agents Michael Buckley and Richard Carter and former agent Nicholas Gianturco. Gianturco admitted making a "mistake" in exchanging small gifts with Bulger and Flemmi on several occasions and hosting them for dinner in his Peabody home.

The outermost circle is composed of numerous agents who, either actively or by looking the other way, appear to have helped Bulger and Flemmi avoid prosecution, sources said.

According to testimony at the 1998 hearings, former Organized Crime Squad Supervisor Edward Quinn, for example, was sent to interview convicted marijuana trafficker Joseph Murray in 1989.

Murray alleged that Bulger and Flemmi had committed several murders, including Halloran's, and that they had paid bribes to Connolly and Newton. In his decision, Wolf found that Murray's murder accusations were "not given to the FBI agents responsible for the murders or indexed [in FBI files] in a way that would permit them to find it."

Special Agent James Lavin, meanwhile, was given pictures by a Boston Globe photographer that showed Boston city equipment being used to install guardrails outside a Bulger-controlled liquor store in South Boston. Instead of filing a report, Lavin kept the photos in his desk drawer for nearly a decade.

"While Rico, Morris and particularly Connolly were at the hub of the protection promised and provided to Flemmi," Wolf wrote in his 661-page decision on the hearings, "many of their colleagues and superiors in the FBI contributed by their conduct to that promise and its fulfillment."

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Caption: JOHN CONNOLLY Agent closest to Bulger / GLOBE FILE PHOTO

---- INDEX REFERENCES ----

NAMED PERSON: HALLORAN, EDWARD BRIAN

NEWS SUBJECT: Local/Regional Section (LCR)

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Apr-23-2001 03:10pm From-

# Memorandum

| Subject | Date |
|---|---|
| Information provided by John Martorano | February 10, 2000 |

To
Fred Wyshak
Assistant United States Attorney

From
Daniel M. Doherty
Special Agent

On July 12, 1999, September 14, 1999 and January 28, 2000, S/A Daniel M. Doherty debriefed John Martorano regarding statements made to Martorano since 1966, by Joseph "the Animal" BARBOZA. Martorano advised that he was a close associate to BARBOZA in the mid 1960's. Martorano stated that subsequent to the murder of Edward "Teddy" DEEGAN (03/12/1965), that BARBOZA admitted to Martorano that he, BARBOZA had killed DEEGAN. On a separate occasion, independent of the above conversation, James "the Bear" FLEMMI, told Martorano that he, FLEMMI, killed DEEGAN.

Martorano also stated, that either just prior to or immediately after the time period that BARBOZA began cooperating with law enforcement, that he, BARBOZA, told Martorano to mind his 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 Martorano that Martorano should just stay out of it. BARBOZA told Martorano that Martorano was a friend and that he, BARBOZA, would not bother Martorano.

EXHIBIT
899

TOTAL P.01

001188

U.S. Departme of Justice

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*District of Connecticut*

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*157 Church Street*
*P.O. Box 1824*
*New Haven, Connecticut 06510* Fax (203) 773-5376

August 23, 1999

COPY

Victor J. Garo, Esq.
Suite 14, 10 High Street
Medford, MA 02155

Dear Mr. Garo:

We appreciate the opportunity we had to meet with you on July 14, 1999. During that meeting, you articulated your concern that Federal Bureau of Investigation (FBI) Special Agents (SAs) engaged in improper/criminal conduct in the investigation, prosecution and confinement of your client, Joseph Salvati, for murder conspiracy. It was clear from this meeting that you have extensive knowledge of Mr. Salvati's case and are in a position to help us understand the possible role played by FBI SAs in this matter. You provided us with general details of your concerns, however, expressed your reluctance to fully discuss these events. You explained that you would be willing to assist us further in this investigation only if we agree, in writing, that the U. S. Department of Justice (DOJ) would join in a future motion to clear Mr. Salvati's record of this conviction.

As we explained, the Department of Justice and the Federal Bureau of Investigation are committed to seeing justice done in all matters, including Mr. Salvati's. As such, we are willing to make available the results of our investigation of Mr. Salvati's case, consistent with applicable laws, to whatever entity or authority you identify so as to ensure the interests of justice are properly served. In this regard, however, we cannot agree that the DOJ will join you in a future motion to clear Mr. Salvati's record,. As we indicated at the July 14th meeting, the United States is not a party to the Massachusetts prosecution, and, therefore, we are not in a position to join in such a motion. We can and will make known to the Massachusetts court, at your direction, whatever we find regarding any involvement of the FBI in the underlying case against your client.

Based on our limited understanding of the facts of Mr. Salvati's case, we will attempt to develop sufficient information to make an assessment of the FBI's behavior in this matter. We would be much more efficient in this matter with your assistance. If you are willing to meet with us to provide additional information about the role the FBI played in Mr. Salvati's case, please

EXHIBIT
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contact us at [redacted]. Regardless of your decision, we appreciate your talking the time to meet with us.

Sincerely,

JOHN H. DURHAM
DEPUTY UNITED STATES ATTORNEY

GARY M. BALD
INSPECTOR-IN-CHARGE
JUSTICE TASK FORCE

U.S. Department of Justice

*United States Attorney*
*District of Connecticut*

*Connecticut Financial Center* (203) 821-3700
*157 Church Street*
*P.O. Box 1824*
*New Haven, Connecticut 06510* Fax (203) 773-5376

August 23, 1999

COPY

Victor J. Garo, Esq.
Suite 14, 10 High Street
Medford, MA 02155

Dear Mr. Garo:

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[redacted] - 7

EXHIBIT
901

000345

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Sincerely,

JOHN H. DURHAM
DEPUTY UNITED STATES ATTORNEY

GARY M. BALD
INSPECTOR-IN-CHARGE
JUSTICE TASK FORCE

9/10/99 BOSTONH 001
9/10/99 Boston Herald 0011999 WL 3407637
(Publication page references are not available for this document.)



Boston Herald
Copyright 1999

Friday, September 10, 1999

NEWS

# Murderous rats Mobster ties Bulger, Flemmi to murders

ANDREA ESTES

At the same time they were protected FBI informants, James "Whitey" Bulger and Stephen "The Rifleman" Flemmi were also ruthless killers, executing at least nine men who got in their way, says hit man-turned-Mob informer John Martorano.

In a 50-page federal document released yesterday, for the first time prosecutors - based on Martorano's bombshell offer to tell all - say they can pin murders on the two men.

The document, known as an information, also offers a detailed look at the Winter Hill Gang and how it ran bookie, gambling, loansharking and race-fixing operations through intimidation, violence and fear.

In exchange for a 12 1/2-year prison term, Martorano, 58, 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.

According to Martorano, Bulger, 70, and Flemmi, 64, helped him kill in the 1970s when the Winter Hill Gang was at its most powerful, lording over independent bookies and drug dealers, after reaching detente with the Italian Mafia. Bulger and Flemmi, looking to expand their base, moved to eliminate rivals, investigators say.

Martorano was their enforcer.

Though in court papers Bulger and Flemmi are identified as John Doe No.1 and No.2, their identities are clear.

Martorano charges that one or both men ordered the killing of World Jai Alai chairman Roger Wheeler, who was slain as he left a Tulsa, Okla., country club in 1981.

He will also accuse them of ordering the murder of John Callahan, World Jai Alai's former president, whose body was stashed in the trunk of a Cadillac at Miami International Airport in 1982.

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**(Publication page references are not available for this document.)**



In addition, Martorano claims Bulger or Flemmi helped him kill seven other men between 1973 and 1976 - James Sousa, Thomas King, Edward Connors, Richard Castucci, Michael Milano, Al Plummer and James O'Toole.

Plummer, a 48-year-old longshoreman, was machine-gunned down on Commercial Street in the North End on March 18, 1973.

Castucci, 47, of Revere, a convicted loanshark and former owner of the Ebb Tide Lounge, was found inside a blue sleeping bag in the trunk of his car. He was shot once in the head.

Martorano decided to turn against his former cronies after hearing from Flemmi in federal court that he and Bulger had been working for decades as high-level FBI informants.

"He just got so angry at Flemmi and Whitey," said a friend. "He couldn't take it any longer."

Authorities have admitted the two were snitches, but insisted they were never given a pass on violence. They were permitted only to run their loan sharking and gambling businesses.

Bulger, 70, is a fugitive. He fled after being indicted for racketeering in 1995. Flemmi, who is behind bars awaiting charges, was incensed by Martorano's claims.

His lawyer, Kenneth Fishman, called them "scurrilous" and "fanciful" and accused prosecutors of retaliating against Flemmi for embarrassing them.

According to the court documents, the Winter Hill Gang has been running gambling, extortion and loansharking businesses out of various spots in Somerville, Boston's West End, South Boston and Brookline since 1970.

Martorano, 58, was one of the gang's leaders in the 1970s.

He ran a sports betting business, but took off in 1979 after being indicted for racketeering.

Even so, he continued to operate his gambling business from Florida where he lived under the name "John Lytle" or "Vincent

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Rancourt," until he was captured in 1995, the documents say.

He laundered some of his gambling proceeds through a luxury car dealership in Boca Raton.

His brother, James, according to the document, was also a member of the Winter Hill Gang in the 1970s but later became a capo regime in the Mafia, under reputed New England Mafia boss Francis "Cadillac Frank" Salemme.

Though Bulger and Flemmi, the documents say, controlled the Winter Hill Gang since 1979, Bulger "often, but not always" acted through intermediaries "to insulate himself from criminal liability."

Between 1978 and 1994 the Winter Hill Gang collected "rent" from several Boston area bookies including Burton Krantz, Edward Lewis, James Katz, Thomas Ryan and Richard O'Brien.

They also fixed races at Suffolk Downs in East Boston, Rockingham Park in Salem, N.H., and several other racetracks by paying jockeys to hold back their horses, the documents say.

TABULAR OR GRAPHIC MATERIAL SET FORTH IN THIS DOCUMENT IS NOT DISPLAYABLE

Caption: CALLAHAN; NOTARANGELI; PALLADINO; AMBUSHED: John W. Jackson, 47, was shot in a parking lot outside his apartment on Queensbury Street in the Back Bay in September 1966. HERALD FILE PHOTO; LAST CALL: Investigators view the body of Edward G. Connors, 42, a tavern owner of Dorchester, shot in a phone booth in June 1975.HERALD FILE PHOTO

Word Count: 721

9/10/99 BOSTONH 001

END OF DOCUMENT

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01:08pm From-

Memorandum

| Subject | Date |
|---|---|
| Information provided by John Martorano | February 10, 2000 |

To
Fred Wyshak
Assistant United States Attorney

From
Daniel M. Doherty
Special Agent

On July 12, 1999, September 14, 1999 and January 28, 2000, S/A Daniel M. Doherty debriefed John Martorano regarding statements made to Martorano circa 1966, by Joseph "the Animal" BARBOZA. Martorano advised that he was a close associate to BARBOZA in the mid 1960's. Martorano stated that subsequent to the murder of Edward "Teddy" DEEGAN (05/12/1965), that BARBOZA admitted to Martorano that he, BARBOZA had killed DEEGAN. On a separate occasion, independent of the above conversation, James "the Bear" FLEMMI, told Martorano that he, FLEMMI, killed DEEGAN.

Martorano also stated, that either just prior to or immediately after the time period that BARBOZA began cooperating with law enforcement, that he, BARBOZA, told Martorano to mind his 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 Martorano that Martorano should just stay out of it. BARBOZA told Martorano that Martorano was a friend and that he, BARBOZA, would not bother Martorano.

EXHIBIT
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Saturday, March 24, 2001

**Salemme** claim of FBI frame-up draws criticism from prosecutors

BOSTON (AP) - Francis P. "Cadillac Frank" **Salemme's** claim that he was framed for a 1968 car bombing is not sitting well with federal prosecutors.

In 1999, **Salemme,** 67, pleaded guilty to racketeering in connection with a conspiracy to murder attorney John Fitzgerald. In return, he agreed to testify against former Federal Bureau of Investigation agent John Connolly and Winter Hill Gang leaders Stephen "The Rifleman" Flemmi and James J. "Whitey" Bulger.

Now, **Salemme** claims the FBI pressured a witness to lie in order to protect Flemmi, an informant, and make sure he went to prison. He filed a habeas corpus petition making the claim on March 12.

"Tellingly, **Salemme** never claims that he is actually innocent of participating in the conspiracy to murder Fitzgerald," U.S. Attorney Donald K. Stern's office said in a motion filed Friday.

Prosecutors also said **Salemme** "was aware of the various issues surrounding Robert Daddieco at the time **Salemme** pleaded guilty." They said **Salemme's** petition should be rejected because his allegations, even if accepted as true, do not entitle him to any relief.

Both **Salemme** and Flemmi were indicted for the crime, based on information provided by witness Robert Daddieco. **Salemme** was convicted in 1973 and served 15 years in prison for the 1968 bombing, which tore off one of Fitzgerald's legs. But Flemmi fled - tipped off, says **Salemme's** attorney, Anthony Cardinale, by FBI agent H. Paul Rico.

In 1999, U.S. District Court judge Mark Wolf ruled that Rico aided the unlawful flight of a fugitive by warning Flemmi of the impending indictments.

In 1998, Flemmi testified that he returned after Rico told him Daddieco had recanted his testimony and the charges were bring dropped.




---- INDEX REFERENCES ----

KEY WORDS: AP STATE WIRES: MASSACHUSETTS

NEWS SUBJECT: English language content; Crime and Courts; Political and General News; Crime (ENGL GCRIM GCAT CRM)

UN-SEALED

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 1-CR-CR10412-EFI |
| | : | |
| v. | : | Conspiracy to Obstruct Justice |
| | : | (18 U.S.C. § 371) |
| RICHARD J. SCHNEIDERHAN, | | |
| EDWARD G. DUFF, | : | Obstruction of Justice |
| and LINDA REARDON | : | (18 U.S.C. §1503) |
| | : | |
| | : | Aiding and Abetting |
| | | (18 U.S.C. § 2) |

INDICTMENT

The Grand Jury charges:

COUNT ONE - Conspiracy to Obstruct Justice
(Richard J. Schneiderhan, Edward G. Duff, Linda Reardon)

GENERAL ALLEGATIONS

1. The "Winter Hill Gang" was a clandestine criminal organization that engaged in multiple crimes, including bribery, extortion, loan sharking, and gambling in the greater Boston, Massachusetts area. James Bulger, also known as "Whitey," Stephen Flemmi, also known as "the Rifleman", and John Martorano, among others, were members of the "Winter Hill Gang."

2. On or about January 4, 1995, in connection with the case subsequently captioned United States v. Francis P. Salemme, et al., Cr. No. 94-10287-MLW (D. Mass.), arrest warrants were issued for, among others, James Bulger and Stephen Flemmi.

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3. Between on or about December 23, 1994 and on or about January 5, 1995, the exact date being unknown to the grand jury, James "Whitey" Bulger fled the District of Massachusetts. He remains a fugitive as of the date of this Indictment.

4. On or about January 10, 1995, a federal grand jury for the District of Massachusetts, returned the indictment known as United States v. Francis P. Salemme, et al., Cr. No. 94-10287-MLW (D. Mass.). Two of the persons named as defendants in the case and charged therein with violations of the federal racketeering laws were James Bulger and Stephen Flemmi. Later, in or about August, 1995, a superseding indictment was returned by the grand jury which again named Bulger and Flemmi, among others, as defendants and added John Martorano as a defendant in the case.

5. Beginning as far back as the 1950's and at all times material to this Indictment, RICHARD J. SCHNEIDERHAN maintained a personal friendship with Stephen Flemmi.

6. Beginning in or about the late 1960's and continuing through in or about 1978, the exact dates being unknown to the grand jury, SCHNEIDERHAN maintained a personal, non-law enforcement relationship with John Martorano.

7. At all times relevant to this Indictment, SCHNEIDERHAN and EDWARD G. DUFF were related through marriage as brothers-in-law.

8. DUFF and LINDA REARDON (nee Duff) are father and daughter. At all times relevant to this Indictment, SCHNEIDERHAN and REARDON were uncle and niece.

9. At all times material to this Indictment, REARDON was employed by the Bell

Atlantic Company in its Taunton, Massachusetts exchange location as an Administrative Assistant. In that capacity, REARDON was responsible for processing work orders and assigning work orders to telephone technicians.

10. At all times relevant to this Indictment, the Federal Bureau of Investigation was actively involved in the fugitive search for James "Whitey" Bulger so that he could be brought to trial in the case known as United States v. Francis P. Salemme, et al., Cr. No. 94-10287-MLW (D. Mass.).

11. As part of the effort to locate James "Whitey" Bulger so that he could be held to stand trial, the Federal Bureau of Investigation utilized a variety of investigative techniques, including, but not limited to, court orders authorizing the installation and use of "pen register" devices to capture potential evidence as to Bulger's whereabouts.

THE CONSPIRACY

12. From on or about September 21, 1999 and continuing thereafter until on or about September 23, 1999, in the District of Massachusetts, the defendants, RICHARD J. SCHNEIDERHAN, EDWARD G. DUFF and LINDA REARDON, together with others known and unknown to the Grand Jury, unlawfully, knowingly and wilfully conspired to corruptly influence, obstruct and impede the due administration of justice in the case known as United States v. Francis P. Salemme, et al., Cr. No. 94-10287-MLW (D. Mass.), in the District of Massachusetts, by disclosing information concerning a then ongoing investigative effort being conducted by the Federal Bureau of Investigation pursuant to court order and designed to capture information which might be of assistance

in apprehending James "Whitey" Bulger so that he could be held to stand trial in the case captioned United States v. Francis P. Salemme, Cr. No. 94-10287-MLW (D. Mass.), in violation of Title 18, United States Code, Section 1503.

Overt Acts

13. In furtherance of the conspiracy and to effect its objects, at least one of the defendants committed or caused to be committed one or more of the following acts in the District of Massachusetts:

a. On or about September 21, 1999, in the District of Massachusetts, the defendant REARDON, acting with corrupt intent to influence, obstruct and impede justice, provided confidential law enforcement information to DUFF concerning an FBI investigation utilizing electronic surveillance (namely, devices known as "pen registers" which are designed to capture all telephone numbers called from the specified telephone number) on certain South Boston telephone lines.

b. On or about September 21, 1999, defendant DUFF, who was acting with corrupt intent to influence, obstruct and impede justice, met with the defendant SCHNEIDERHAN and informed SCHNEIDERHAN that the specified telephone lines in South Boston, Massachusetts were the subject of electronic surveillance being conducted by the Federal Bureau of Investigation.

c. On or about September 22, 1999, the defendant SCHNEIDERHAN, who was acting with corrupt intent to influence, obstruct and impede justice, conveyed

information to Kevin Weeks that the specified telephone lines in South Boston, Massachusetts were the subject of electronic surveillance being conducted by the Federal Bureau of Investigation.

d. On or about September 23, 1999, Kevin Weeks, who was acting with corrupt intent to influence, obstruct and impede justice, conveyed to one of the targets of the electronic surveillance the information that had been provided to him by the defendant SCHNEIDERHAN.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO- Obstruction of Justice
(Richard J. Schneiderhan, Edward G. Duff, Linda Reardon.)

1. Paragraphs 1 through 11 of Count One are incorporated and realleged as if set forth in full hereinafter.

2. Between on or about September 21, 1999 and September 23, 1999, in the District of Massachusetts, the defendants RICHARD J. SCHNEIDERHAN, EDWARD G. DUFF, and LINDA REARDON did corruptly influence, obstruct and impede and did endeavor to influence, obstruct and impede the due administration of justice in the case known as United States v. Francis P. Salemme, et al., Cr. No. 94-10287-MLW (D. Mass.) by disclosing information concerning a then ongoing investigative effort being conducted by the Federal Bureau of Investigation pursuant to court order which was designed to capture information that might be of assistance in apprehending James "Whitey" Bulger so that he could be held to stand trial in the case captioned United States

v. Francis P. Salemme, Cr. No. 94-10287-MLW (D. Mass.).

All in violation of Title 18, United States Code, Sections 1503 and 2.

A TRUE BILL

FOREPERSON

UNITED STATES OF AMERICA

DONALD K. STERN
UNITED STATES ATTORNEY

JOHN H. DURHAM
SPECIAL ATTORNEY
DISTRICT OF MASSACHUSETTS

LEONARD C. BOYLE
SPECIAL ATTORNEY
DISTRICT OF MASSACHUSETTS

CYNTHIA M. SHEPHERD
TRIAL ATTORNEY
UNITED DEPARTMENT OF JUSTICE

DISTRICT OF MASSACHUSETTS: 11/15/, 2000

Returned into the District Court by the Grand Jurors and filed.

Deputy Clerk AT 4:13 p.m.

The Boston Globe
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Friday, October 1, 1999

METRO/REGION

# Mobster pleads guilty to murders >Judge considers Martorano deal

Shelley Murphy, Globe Staff

The scowl he wore while learning of the endless betrayals by his longtime Winter Hill Gang cohorts James "Whitey" Bulger and Stephen Flemmi was gone yesterday as John Martorano strolled into a federal courtroom in Boston and calmly pleaded guilty to killing 10 people. Appearing relaxed and slightly tanned -- and looking more like a businessman than a confessed hit man in his gray pin-striped suit, pale blue shirt and yellow-gray tie -- Martorano took another step toward paying back FBI informants Bulger and Flemmi. Martorano, 58, pleaded guilty to killing 10 people in the 1970s onbehalf of a racketeering enterprise -- the Winter Hill Gang -- as well as racketeering, extortion, and money laundering. 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 alsoconfessed to another eight murders during the 1960s and 1970s for which it appears he will never be charged. Martorano has implicated Bulger as an accomplice in three murders and Flemmi in half a dozen slayings, according to sources. Last year,as he listened grim-faced in federal court, Martorano learned that Bulger and Flemmi were longtime FBI informants who betrayed both their friends and the Mafia in exchange for FBI protection. US District Judge Mark L. Wolf accepted Martorano's plea, but postponed any decision on whether he will go along with a government recommendation to sentence Martorano to 12 1/2 to 15 years in prison.If the judge rejects the recommendation, Martorano can withdraw his plea and the deal would fall apart. "I wanted to choke him. He's sitting there unremorseful," said Richard Castucci after Martorano admitted killing Castucci's father, Richard, a 47-year-old Revere nightclub owner, on Dec. 30, 1976. Martorano says that he, Bulger, and Flemmi killed Castucci, who was found shot to death in the trunk of a car. "I think they're treating him very nicely for admitting to killingall these men," said Denise Castucci, who was 21 when her father was slain. But in a telephone interview, David Wheeler, the son of another one of Martorano's victims, said Martorano's deal is "the price we pay to get to the leaders, the people who ran the Winter Hill Gang, the people who have enjoyed the protection of the FBI." Martorano has admitted gunning down Roger Wheeler, chairman of Telex Corp. and owner of World Jai Alai, outside a Tulsa country clubon May 27, 1981, but says the murder was orchestrated by Bulger and Flemmi to hide the fact that the Winter Hill Gang was skimming profits from Wheeler's company. The FBI's handling of the Wheeler case is under investigation by agrand jury. The FBI failed to tell Tulsa investigators that an informant -- who was later gunned down -- had implicated Bulger and Flemmi in

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Wheeler's staying. Defending the deal with Martorano, US Attorney Donald K. Stern said it marked a "somewhat rocky and long road to justice." Without Martorano's cooperation, Stern said the 20 murders he confessed to would have remained unsolved and nobody would ever be punished for them. Martorano's cousin, Joe, who attended yesterday's hearing, said, "I hope he gets a fair shake. I think it's best to get everything outon the table where it belongs. Let the chips fall where they may -- FBI or no FBI." Earlier this week, black community leaders urged authorities to investigate whether Martorano killed more blacks than the four he hasadmitted to. They cited a Globe column last year by Mike Barnicle that quoted retired Boston Police Detective Eddie Walsh saying that Martorano "used blacks for target practice." "As far as I know, it's fantasy and made up," said Stern, adding that if Martorano is caught lying, his deal is void and he could be prosecuted for murder. Within law enforcement circles, Walsh's statements have been viewed as an effort to sabotage Martorano's deal to prevent him from testifying against Bulger. Bulger's former handler, retired FBI AgentJohn Connolly, has described Walsh to reporters as Connolly's "cousin."

--- INDEX REFERENCES ---

NAMED PERSON: WHEELER, DAVID

KEY WORDS: BOSTON; ORGANIZED CRIME; PROBE; MURDER; NAME-MARTORANO

NEWS SUBJECT: Local/Regional Section (LCR)

REGION: Massachusetts; Eastern U.S.; United States; North America (MA USE US NME)

EDITION: CITY EDITION

Word Count: 695

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12/10/99 BOSTONG B4
12/10/99 Boston Globe B41999 WL 30399959
(Publication page references are not available for this document.)



The Boston Globe
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Friday, December 10, 1999

Metro/Region

# SALEMME PLEADS GUILTY TO RACKETEERING PLEA DEAL WOULD DROP MURDER CHARGES

Shelley Murphy, Globe Staff

Tired after five years of legal wrangling, reputed New England Mafia boss Francis "Cadillac Frank" Salemme pleaded guilty yesterday to a federal racketeering indictment after prosecutors agreed to drop murder charges that could have sent him to prison for life.

Dressed in a charcoal, pin-striped suit, Salemme, 66, took the witness stand and admitted under oath that he formed a pact with South Boston crime boss James "Whitey" Bulger to extort "rent" from bookmakers, loansharks and drug dealers from 1979 through 1994.

When asked by US District Judge Mark L. Wolf if he had ever been known by any other name, Salemme quipped, "Not by myself your honor, but by the press I'm known as Cadillac Frank Salemme."

One by one, Wolf described 15 counts of racketeering, extortion, bribery, and interstate travel in aid of racketeering, and asked Salemme if he had committed the crimes.

"Yes sir," was the response each time.

Federal prosecutors and Salemme's attorneys filed a plea agreement, recommending that Salemme serve a sentence ranging from 10 years and 10 months to 13 1/2 years. Salemme would be credited with the time he has been jailed - since August 1995 - awaiting trial, meaning he could be free in 6 1/2 years.

Salemme has not agreed to cooperate in the case.

Wolf accepted Salemme's plea, but has yet to decide whether he will accept the agreement. If he rejects it, then under the agreement, Salemme may withdraw his plea and go to trial.

Defending the agreement as "a good result for the government," US Attorney Donald K. Stern noted that Wolf had indicated that he might dismiss allegations that Salemme killed four men in 1967. The judge had raised questions about whether the grand jury was misused to add the murder charges to an existing indictment.

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12/10/99 BOSTONG B4
12/10/99 Boston Globe B41999 WL 30399959
**(Publication page references are not available for this document.)**



The killings include three Dorchester brothers, Edward, Walter, and William Bennett, and another man, Richard Grasso.

Without the murder charges, Stern said Salemme would probably have faced eight to 10 years in prison, if convicted at a trial.

"Anyone who thinks it's easy to go back 37 years and prove murders hasn't tried any of these cases," Stern said.

Attorney Anthony Cardinale, who represents Salemme, said he was confident that Salemme could have beaten the case, but there were "no guarantees," and if the murder charges weren't dropped, Salemme could have faced a life sentence.

"He's tired of fighting," said Cardinale, adding that Salemme was anxious to distance himself from his codefendant, longtime Bulger sidekick Stephen "The Rifleman" Flemmi. Both Bulger and Flemmi have been exposed during the case as longtime FBI informants.

While Bulger has remained a fugitive since the 1995 indictment, lawyers for Flemmi, Salemme, and reputed mobster Robert DeLuca have tried to get the case dismissed because Bulger and Flemmi were working as FBI informants at the same time the government says they were members of the racketeering enterprise.

During lengthy pretrial hearings, former FBI agents revealed a cozy relationship between some FBI agents and Bulger and Flemmi. One former FBI supervisor admitted pocketing $7,000 in bribes from the pair and tipping them to cases.

In a 661-page ruling in September, Wolf refused to dismiss the case after rejecting Flemmi's argument that the FBI promised him and Bulger protection from prosecution. But Wolf is planning more hearings and has barred prosecutors from using some evidence against Flemmi.

"Frank doesn't want to be next to Flemmi for another second, never mind another two years," said Cardinale, referring to evidence that Flemmi leaked information to the FBI about Salemme's activities.

But Cardinale credited Salemme with helping expose Bulger and Flemmi's relationship with the FBI. "I believe that the positive thing that's going to come out of it is you're going to see the whole system of how the FBI deals with informants radically changed," he said.

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Bill Chase, assistant special agent in charge of the FBI's Boston office, said the agency's informant guidelines are being reviewed by the FBI and the Justice Department.

"I think we did learn some lessons from this case and I think we will benefit from them, and, yes, there will be some changes in the rules," Chase said.

Salemme's departure from the case leaves just Flemmi and DeLuca. "If we can resolve this case in a way that DeLuca doesn't have to face a trial, that's an option we have to consider," said his attorney, Randolph Gioia.

As for Flemmi, his attorney, Kenneth Fishman, said, "As far as we're concerned, we're happy to have the courtroom to ourselves."

---- INDEX REFERENCES ----

NAMED PERSON: CARDINALE, ANTHONY

NEWS SUBJECT: Local/Regional Section (LCR)

NEWS CATEGORY: MET

EDITION: THIRD

Word Count: 753

12/10/99 BOSTONG B4

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2001 WL 3796471

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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 "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
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The Boston Globe
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Tuesday, March 13, 2001

Metro/Region

# SALEMME REPORTEDLY TO TESTIFY AGAINST BULGER

Ralph Ranalli, Globe Staff

Former New England Mafia boss Francis P. "Cadillac Frank" Salemme has agreed to be a witness for the government against two fellow underworld figures and two FBI agents, and is also making a bid to attack the conviction on which he is imprisoned, according to sources and court documents.

Sources yesterday confirmed a published report in the Boston Herald that Salemme, 67, has agreed to testify against former FBI Special Agents John Connolly and H. Paul Rico and their informants, South Boston crime boss James "Whitey" Bulger and his longtime partner-in-crime, Stephen "The Rifleman" Flemmi.

Connolly, Bulger, and Flemmi have been indicted on racketeering charges in connection with their work for the FBI's Top Echelon Informant Program, which authorized FBI agents to recruit high-ranking members of mob groups as sources of information.

Connolly has been accused of breaking the law by leaking the names of other informants to Bulger and Flemmi and warning them of impending indictments.

Salemme testified before a grand jury last year that Connolly gave him a similar warning of an impending 1995 indictment.

The sealed document containing information about Salemme's offer to repeat his grand jury testimony in court was apparently inadvertently left open for public inspection last week.

Meanwhile, Salemme has filed a federal petition that claims the FBI, in an effort to protect Flemmi, pressured Robert Daddieco to commit perjury several times in the court case related to the 1968 attempted murder of Everett defense lawyer John E. Fitzgerald, who was maimed in a car bombing.

Salemme was convicted of attempted murder in the Fitzgerald case and served 15 years in prison.

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In a December 1999 plea agreement, Salemme pleaded guilty to racketeering, loansharking, and extortion. In return, prosecutors agreed to drop murder charges against him. He is currently serving an 11-year sentence in that case.

The racketeering charges were based, in part, on the Fitzgerald bombing allegations. By challenging them, Salemme could reopen his case and negotiate a lesser sentence. In his filing, Salemme asks the court to grant him "whatever relief it deems appropriate" because of what he calls FBI misconduct.

Daddieco was recruited by Rico, who signed on Flemmi as an informant in the 1960s. Rico is being investigated in connection with the 1981 mob murder of Roger Wheeler, a millionaire from Tulsa, Okla.

Material from the Associated Press was used in this report.

TABULAR OR GRAPHIC MATERIAL SET FORTH IN THIS DOCUMENT IS NOT DISPLAYABLE

Caption: WITNESS FOR THE PROSECUTION /Francis P. "Cadillac Frank" Salemme, shown in a 1995 booking photo, has reportedly agreed to testify against reputed mobsters James "Whitey" Bulger and Stephen "The Rifleman" Flemmi. B2

—- INDEX REFERENCES —-

NAMED PERSON: CONNOLLY, JOHN; RICO, H PAUL; BULGER, JAMES J; FITZGERALD, JOHN

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

NEWS SUBJECT: English language content; Crime and Courts; Political and General News; Crime (ENGL GCRIM GCAT CRM)

NEWS CATEGORY: MET

EDITION: THIRD

LAYOUT CODES: (LCR)

Word Count: 394

3/13/01 BOSTONG B.2

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AFFIDAVIT

I, Steven Flemmi, on oath, do hereby depose and state the following:

1) For many years, including the 1980s, 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 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.

MEMO SENSITIVE; ADMINISTRATIVE OPERATIONS AND PROCEDURES (F.B.I. DOCUMENT) THREAT TO LIFE - DISSEMINATION OF INFORMATION

EFFECTIVE 1/21/87

Signed under the pains and penalties of perjury this 13 day of December, 1995.

Stephen J. Flemmi

Steve Flemmi

EXHIBIT 910

12/23/99 HRTFCNT A1
12/23/99 Hartford Courant A1 1999 WL 30058924
(Publication page references are not available for this document.)



The Hartford Courant
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Thursday, December 23, 1999

MAIN (A)

FORMER FBI AGENT INDICTED

EDMUND MAHONY; Courant Staff Writer

A wire service report is included in this story.

One of the FBI's former top organized-crime investigators was arrested Wednesday on charges of conspiring to arrange payoffs from two notorious gangsters while protecting them from arrest and helping them extort real estate from a young South Boston couple.

In a lengthy racketeering indictment, retired FBI Special Agent John Connolly in effect was charged with going to work for James "Whitey" Bulger and Steven "The Rifleman" Flemmi -- two informants he was supposed to be handling for the FBI's Boston division.

Connolly, who was arrested in his Lyonfield, Mass., home, pleaded innocent in federal court to the five-count indictment and was set free on $200,000 bail. Flemmi, currently jailed on related charges, and Bulger, a fugitive, were also charged in the indictment unsealed Wednesday afternoon.

Barry Mawn, special agent in charge of the FBI's Boston office, apologized for what he said was Connolly's violation of the public trust.

"I am certainly on the one hand saddened, but on the other I'm angered," Mawn said.

But Connolly's lawyer, Robert Hopedale, said the indictment was flimsy and an embarrassment to the FBI and the Justice Department. "I'm telling you, we'll take it apart," he said.

He said Connolly was being blamed because he participated in FBI-sanctioned dealing with mobsters that the agency now regrets.

"The government now seeks a scapegoat and have decided that John Connolly is the best person to play that role," he said.

Connolly retired in 1990 and now works as director of security for Boston Edison.

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12/23/99 HRTFCNT A1
12/23/99 Hartford Courant A11999 WL 30058924
**(Publication page references are not available for this document.)**



For decades, Bulger and Flemmi have been legendary figures in New England crime, imposing their Winter Hill gang's stranglehold on the South Boston rackets. Since the late 1990s, though, the FBI has conceded under court order that the two were at the same time the Boston division's two most productive confidential informants, delivering the evidence the bureau needed to lock up top members of the Italian mafia.

But other law enforcement agencies have long complained that Bulger and Flemmi had an uncanny ability to learn in advance of any criminal investigations directed at them. Detectives with various New England state police agencies believed the two were using a small number of agents in the Boston FBI office to eliminate their competition for the area rackets and win protection from prosecution from other agencies.

Among the crimes Bulger and Flemmi have long been suspected of -- but repeatedly able to distance themselves from -- is the 1981 murder of former World Jai Alai owner Roger Wheeler. After Wheeler's murder on an exclusive Tulsa, Okla., golf course, two men believed to have had evidence about the crime were violently killed themselves.

The indictment unsealed Wednesday, based on work by a special federal investigative strike force, seems to support the longstanding view that Bulger and Flemmi had an unusually close relationship with the FBI. Connolly and the two, one-time informants are named in a five-count indictment accusing them of racketeering, racketeering conspiracy, obstruction of justice and conspiracy to obstruct justice. Flemmi is accused alone in the fifth count of obstruction for passing classified information from Connolly to Patriarca crime boss Francis "Cadillac Frank" Salemme.

The indictment of Connolly, a highly regarded, retired FBI agent, is an extraordinary event. It could not be immediately determined late Wednesday whether a retired FBI agent has ever been linked to criminal activity he was formerly assigned to investigate. Connolly has repeatedly insisted that he has done nothing wrong.

Connolly was an FBI agent from 1968 until January 1990. Midway through his career he returned from New York to his hometown of Boston where, as a youngster, he had grown up with and befriended Bulger. Once back home as an FBI agent, Connolly became a highly regarded member of the Boston division's organized crime squad. Monday's indictment puts him right in the middle of the people he was once assigned to investigate.

Specifically, the indictment unsealed Wednesday charges:

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12/23/99 HRTFCNT A1
12/23/99 Hartford Courant A1 1999 WL 30058924

**(Publication page references are not available for this document.)**

During the 1980s, Connolly helped Bulger and Flemmi pay $7,000 in cash in three payments, as well as two cases of expensive wine, to former Boston FBI supervisor John Morris. Morris was Connolly's boss on the organized crime squad.

Morris admitted taking the money and wine while testifying under a grant of immunity in 1998 as a witness in a related case in a Boston federal court.

Evidence was presented at that hearing that Bulger and Flemmi had an odd social relationship with a variety of federal agents, sometimes dining and exchanging gifts with them. Morris is no longer with the FBI.

Connolly and the two informants also are collectively accused of conspiracy and extortion in the illegal takeover of a South Boston liquor store. There was evidence at the related federal hearing that Bulger and Flemmi extorted Stippo's Liquor Mart from a young couple in 1984. In the Stippo's case, Connolly is also accused of conspiring to prevent other FBI agents from investigating the extortion.

Connolly also is accused of tipping Bulger and Flemmi to law enforcement investigations of which they were targets. In 1988, according to the indictment, Connolly told them an associate named Baharoian was the subject of an FBI wiretap in Roxbury. He is accused of telling the two in December 1994 that they and others were about to be indicted for racketeering. Flemmi is accused of immediately passing that information along to Salemme. The predicted indictment was in fact returned on Jan 10, 1995.

As a result of the tip, Bulger and Salemme became fugitives. Salemme was apprehended in Florida in August 1995. Bulger remains at large.

Flemmi was arrested before he could flee from the 1995 indictment. While sitting in jail for months awaiting trial, he decided to mount a defense claiming that he should be cleared off all charges because whatever he was accused of doing, he did while working for the FBI as an informant.

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PHOTO: 2 (b&w) mugs; Caption: Connolly; Bulger

---- INDEX REFERENCES ----

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| The Estate of John L. McIntyre | ) | |
| | ) | |
| Plaintiff | ) | |
| | ) | Civil Action No : 01-10408-RCL |
| v. | ) | |
| | ) | |
| United States of America, et al. | ) | |
| | ) | |
| Defendants | ) | |

**PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF OPPOSITION TO DEFENDANT UNITED STATES' MOTION TO DISMISS**

I. INTRODUCTION

On January 14, 2000, the remains of John L. McIntyre ("McIntyre") were discovered in a shallow makeshift grave in Dorchester, Massachusetts. McIntyre had been missing for over fifteen years during which time the United States government indicted him and told the courts, the public and his family that he was alive and a fugitive from justice, all the while engaging in a course of conduct to cover up the criminal activities of certain government agents as well as the wholesale violation of the Attorney General's Guidelines regulating and controlling the use of high echelon criminal informants. 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



EXHIBIT 912

**JOHN CAVICCHI**
Attorney at Law
25 Barnes Ave
East Boston, MA 02128
617-567-4697
Email Jecavicchi@aol.com

RECEIVED
03 FEB -3 PM 2:22
NEW HAVEN, CONNECTICUT

January 21, 2000

AUSA John Durham
157 Church St
23 Floor
New Haven, Conn. 06510

Re: Deegan Investigation

Dear Mr. Durham:

Here is my file on the above case, [redacted]. I will be here in Miami Beach until May 1. [redacted]

The only published opinion on the Bailey affidavit is Greco v. Workman, 481 F.Supp. 481. [redacted] I will send you my law review article which discusses the state court proceedings and the chronology of the gang wars when it is published. It is overdue.

If you need any more information, I shall be happy to cooperate any way I can.

Very truly yours,
John Cavicchi
John Cavicchi

[redacted]

EXHIBIT
913

000347

Apr-23-2001 01:10pm From-

# Memorandum

| Subject | Date |
|---|---|
| Information provided by John Martorano | February 10, 2000 |

To
Fred Wyshak
Assistant United States Attorney

From
Daniel M. Doherty
Special Agent

On July 12, 1999, September 14, 1999 and January 28, 2000, S/A Daniel M. Doherty debriefed John Martorano regarding statements made to Martorano circa 1966, by Joseph "the Animal" BARBOZA. Martorano advised that he was a close associate to BARBOZA in the mid 1960's. Martorano stated that subsequent to the murder of Edward "Teddy" DEEGAN (11/12/1965), that BARBOZA admitted to Martorano that he, BARBOZA had killed DEEGAN. On a separate occasion, independent of the above conversation, James "the Bear" FLEMMI, told Martorano that he, FLEMMI, killed DEEGAN.

Martorano also stated, that either just prior to or immediately after the time period that BARBOZA began cooperating with law enforcement, that he, BARBOZA, told Martorano to mind his 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 Martorano that Martorano should just stay out of it. BARBOZA told Martorano that Martorano was a friend and that he, BARBOZA, would not bother Martorano.

EXHIBIT
914

TOTAL P.02

U.S. Department of Justice
Drug Enforcement Administration

## REPORT OF INVESTIGATION

Page 1 of 2

| 1. Program Code | 2. Cross File / Related Files | 3. File No. | 4. G-DEP Identifier |
|---|---|---|---|
| | | CC-95-0060 | GCC1D |
| 5. By: S/A DANIEL M. DOHERTY At BOSTON, MA. | | 6. File Title: FLEMMI, STEPHEN J. et. al. | |
| 7. ☐ Closed ☐ Requested Action Completed ☐ Action Requested By: | | 8. Date Prepared: 2/10/00 | |

9. Other Officers: TF/A's STEPHEN P. JOHNSON, THOMAS J. FOLEY and THOMAS S. DUFFY

10. Report Re: Debriefing of CS-00-098739

**DETAILS**

1. On July 12, 1999, September 14, 1999 and January 28, 2000, S/A Daniel M. Doherty debriefed CS-00-098739 regarding statements made to the CS circa 1966, by Joseph "the Animal" BARBOZA. The Confidential Source (CS) advised that it was a close associate to BARBOZA in the mid 1960's. The CS stated that subsequent to the murder of Edward "Teddy" DEEGAN [03/12/1965], that BARBOZA admitted to the CS that he, BARBOZA had killed DEEGAN. On a separate occasion, independent of the above conversation, James "the Bear" FLEMMI, told the CS that he, FLEMMI, killed DEEGAN.

2. 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.

| 11. Distribution: Division / District / Other | 12. Signature (Agent) S/A DANIEL M. DOHERTY | 13. Date 2/10/00 |
|---|---|---|
| | 14. Approved (Name and Title) MICHAEL V. TORRETTA GROUP SUPERVISOR | 15. Date 2-11-2000 |

DEA Form - 6 (Jul. 1996)
cmd
1 - Prosecutor

DEA SENSITIVE
Drug Enforcement Administration

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Previous edition dated 8/94 may be u

EXHIBIT 915

# Memorandum

| Subject | Date |
|---|---|
| Information provided by John Martorano | February 10, 2000 |

To
Fred Wyshak
Assistant United States Attorney

From
Daniel M. Doherty
Special Agent

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EXHIBIT
916

001188

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
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| The Estate of John L. McIntyre | ) | |
| | ) | |
| Plaintiff | ) | |
| | ) | Civil Action No.: 01-10408-RCL |
| v. | ) | |
| | ) | |
| United States of America, et al. | ) | |
| | ) | |
| Defendants | ) | |

**PLAINTIFF'S OPPOSITION TO DEFENDANT UNITED STATES' MOTION TO DISMISS**

NOW COMES the plaintiff, The Estate of John L. McIntyre, opposing Defendant Untied States' Motion to Dismiss and in support thereof states as follows:

1. Pursuant to Fed.R.Civ P. 12(b)(1) defendant United States has moved for dismissal of all claims against it for lack of subject matter jurisdiction.

2. For the reasons stated in the attached Memorandum of Law in Support of Plaintiff's Opposition to Defendant United States' Motion to Dismiss with Exhibits, plaintiff hereby opposes the United States' Motion to Dismiss.

3. Plaintiff asserts the Motion to Dismiss should be denied based upon the record submitted by the parties before the Court. However, if the Court should determine that it cannot resolve the government's motion based upon the current record, or is inclined to allow the motion on "wrongful concealment" grounds and the current state of the record on that issue of fact, plaintiff requests that the Court order limited discovery on that issue prior to ruling on the Motion to Dismiss. See Dynamic Image Technologies, Inc. v. United States, 221 F.3d 34, 38-39 (1st Cir. 2000).



EXHIBIT
917

**REQUEST FOR ORAL ARGUMENT**

4. Pursuant to LR 7.1(D), plaintiff respectfully requests oral argument in this matter.

WHEREFORE, plaintiff respectfully requests that this Honorable Court:

A. Deny defendant United States' Motion to Dismiss;

B. Schedule oral argument on the United States' Motion to Dismiss;

C. Order limited discovery on jurisdictional issues, if necessary, for the reasons stated, supra, at ¶ 3; and

D. Grant such further relief as this Court deems necessary and just.

Respectfully submitted,

The Estate of John L. McIntyre
By Their Attorneys
SHAHEEN & GORDON, P.A.

Dated: November 15, 2001

By: _____
William E. Christie #566896
Two Capital Plaza, 4th Floor
P.O. Box 2703
Concord, NH 03302-2703
(603) 225-7262

**CERTIFICATE OF SERVICE**

I herby certify that a true copy of the above document was served upon each party appearing pro se and the attorney of record for each other party by mail on November 15, 2001.

_____
William E. Christie

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| The Estate of John L. McIntyre | ) | |
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The government's shroud of secrecy first began to unravel when Stephen Flemmi

affirmatively stating: "We have no proof that he is dead," see Kevin Cullen, *IRA Man Tells a Tale of Betrayal*, The Boston Globe, January 29, 1995, attached as Exhibit E (emphasis added);

- After repeatedly attempting to persuade Judge Wolf in eight hearings conducted during two months in 1997 not to order the disclosure that Bulger was a confidential informant--a fact critical to plaintiff's claim, see United States v. Flemmi, No. 94-10287-MLW at 15 (D. Mass. August 30, 2001);

- After the FBI's Office of Professional Responsibility ("OPR") cleared defendants John Morris and John Connolly of wrongdoing thereby leaving potential claimants to believe the FBI had not engaged in tortious conduct, see Ralph Ranalli, *Former FBI Agents Cleared in Mob Case*, Boston Herald, December 5, 1997 attached as Exhibit F;

- After repeatedly failing to comply with discovery orders issued by Judge Wolf in United States v. Salemme further concealing the FBI's relationship with Bulger and Flemmi, see Salemme, 91 F.Supp.2d at 154 n.3;

- After "important FBI documents concerning John McIntyre were ... improperly withheld by agents of the Boston FBI until it was too late to question relevant witnesses concerning them," see United States v. Flemmi, No. 94-10287-MLW (D. Mass. August 30, 2001) at 13-14; Salemme, 91 F.Supp.2d at 154 n.3, 213-14;

- After waiting until March 20, 2000, two months after McIntyre's body was discovered, to dismiss the indictments against John McIntyre in United States v. Murray et al., see February 11, 2000 correspondence to SAC Barry Mawn from ASUA Brian Kelly and March 20, 2000 Dismissal of Indictment and Arrest Warrants, attached as Exhibit G.

- After failing to bring the initial criminal charges for McIntyre's murder until July 2000, two months after plaintiff filed its administrative claim, see Superceding Information United States v. Kevin Weeks, 99-10371-RGS;

the United States now asserts that the McIntyre family should have known that McIntyre was indeed deceased, that his death was causally connected to the government's illicit relationship with Bulger and Flemmi; and that the Estate had a duty to investigate and uncover facts which only came to light after nearly two-years of intensive evidentiary hearings before Judge Wolf over the repeated and strenuous objection of the United States.

Considering the extraordinary nature of the FBI's relationship with Bulger and Flemmi



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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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By Their Attorneys
SHAHEEN & GORDON, P.A.

Dated: November 15, 2001

By: William Christie (JMD)
William E. Christie #566896
Two Capital Plaza, 4th Floor
P.O. Box 2703
Concord, NH 03302-2703
(603) 225-7262

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon each party appearing pro se and the attorney of record for each other party by mail on November 15, 2001.

William Christie (JMD)
William E. Christie

Fetterly Denver

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| The Estate of John L. McIntyre | ) | |
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| Plaintiff | ) | |
| | ) | Civil Action No.: 01-10408-RCL |
| v. | ) | |
| | ) | |
| United States of America, et al. | ) | |
| | ) | |
| Defendants | ) | |

**PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF OPPOSITION TO DEFENDANT UNITED STATES' MOTION TO DISMISS**

I. INTRODUCTION

On January 14, 2000, the remains of John L. McIntyre ("McIntyre") were discovered in a shallow makeshift grave in Dorchester, Massachusetts. McIntyre had been missing for over fifteen years during which time the United States government indicted him and told the courts, the public and his family that he was alive and a fugitive from justice, all the while engaging in a course of conduct to cover up the criminal activities of certain government agents as well as the wholesale violation of the Attorney General's Guidelines regulating and controlling the use of high echelon criminal informants. 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.

Following the discovery of McIntyre's body, the Estate was opened in May, 2000. On or about May 25, 2000, the Estate presented a duly authorized Notice of Tort Claim, pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671, *et seq.*, giving 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 Office of the Federal Bureau of Investigation. 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 fails because it ignores that the essence of any wrongful death action is proof of death – evidence unavailable to plaintiff up until March 10, 2000 when the Suffolk County Medical Examiner certified McIntyre was "shot by another person(s)" and killed by "gunshot wounds to head and neck." See Certificate of Death attached as Exhibit A. Prior to this time, the McIntyre's possessed nothing more than a mother's intuition that her son was dead. Only the most cynical or paranoid could have believed that the government would enter into a cozy, mutually rewarding relationship with two of Boston's most brutal and vicious murderers. This imbalanced mental state would never have sanctioned the filing of a federal lawsuit. See

Fed.R.Civ.P. 11. Furthermore, the Estate did not know and could not reasonably have known the critical facts at the heart of the plaintiff's claim: that beginning in the late 1960s and continuing well into 2000, former agents of the FBI conspired to protect and shield from prosecution defendants James Bulger, Stephen Flemmi, Kevin Weeks and others in exchange for Bulger and Flemmi's agreements to provide information to aid the FBI in its prosecution of La Costra Nostra ("LCN"); that the Boston Office of the FBI never enforced or complied with the Attorney General's Guidelines relating to confidential informants, that the individual agents knew or should have known that Bulger and Flemmi had murdered informants cooperating with law enforcement; that despite this knowledge, the individual agents failed to prosecute and blocked investigations into Bulger and Flemmi's criminal activities; that despite this knowledge and understanding Bulger and Flemmi's propensities for violence when threatened, the government failed to protect McIntyre after he agreed to become an informant against Bulger and Flemmi; and that, as a direct and proximate cause of the agents' negligence, Bulger, Flemmi and defendant Kevin Weeks actually murdered John L. McIntyre.

This civil action arises out of the extraordinary hearings before Judge Wolf in United States v. Salemme et al., No. 94-10287-MLW, resulting in the September 15, 1999 opinion, 91 F.Supp.2d 141 (D. Mass 1999), that disclosed for the first time, in its factual findings, the astonishing relationship between the FBI and Bulger and Flemmi as well as the FBI's role in McIntyre's disappearance and, as was only later revealed, death. Prior to Judge Wolf's investigation into the FBI's policies and practices regarding Bulger and Flemmi's role as high echelon informants and the subsequent discovery of McIntyre's remains, the critical facts permitting the Estate to file its administrative claim were unknown and in the exercise of reasonable diligence could not have been known to plaintiff. See Heinrich v. Sweet, 44

F.Supp.2d 408, 415-419 (D.Mass. 1999) (claim based on death from early 1960s did not accrue until release of critical information in 1995 Presidential report).

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 elluded the investigatory power and resources of the federal government, until the government was forced fed them by Judge Wolf. Equally disturbing and further condemning the government's motion are the undisputed facts that the government affirmatively represented to the McIntyres specifically, and the public at large, that McIntyre was at best a fugitive from justice, and, at worst, a victim of someone other than Bulger or Flemmi. Incredulously.

- After representations by government officials to the McIntyre family that John McIntyre was alive and a fugitive from justice, see Complaint at ¶ 299;
- After returning a federal Indictment in April 1986 against John McIntyre seventeen months after his disappearance, see Indictment, United States v. Murray et al., No. 86-CR-118, attached as Exhibit B.
- After defendant special agent in charge James Ahearn publicly denied in 1988 that any special relationship existed between the FBI and Bulger and Flemmi, see Law Enforcement Officials' Lament About and Elusive Foe; *Where Was Whitey?*, The Boston Globe, September 20, 1988 attached as Exhibit C
- After Assistant United States Attorney Gary Crossen publicly speculated in 1992 that Joseph Murray (rather than Bulger and Flemmi as now known) was responsible for McIntyre's disappearance, see Kevin Cullen, *Valhalla Case Now a Little Murkier Quincy Man Seen as Fall Guy in Leak*, The Boston Globe, December 24, 1992, attached as Exhibit D;
- After Jerry Padalino, special agent in charge of United States Customs, publicly stated in 1995 that officially, U.S. customs officials considered McIntyre a fugitive,

affirmatively stating: "We have no proof that he is dead," see Kevin Cullen, *IRA Man Tells a Tale of Betrayal*, The Boston Globe, January 29, 1995, attached as Exhibit E (emphasis added);

- After repeatedly attempting to persuade Judge Wolf in eight hearings conducted during two months in 1997 not to order the disclosure that Bulger was a confidential informant – a fact critical to plaintiff's claim, see United States v. Flemmi, No. 94-10287-MLW at 15 (D. Mass. August 30, 2001);

- After the FBI's Office of Professional Responsibility ("OPR") cleared defendants John Morris and John Connolly of wrongdoing thereby leaving potential claimants to believe the FBI had not engaged in tortious conduct, see Ralph Ranalli, *Former FBI Agents Cleared in Mob Case*, Boston Herald, December 5, 1997 attached as Exhibit F;

- After repeatedly failing to comply with discovery orders issued by Judge Wolf in United States v. Salemme further concealing the FBI's relationship with Bulger and Flemmi, see Salemme, 91 F.Supp.2d at 154 n.3;

- After "important FBI documents concerning John McIntyre were … improperly withheld by agents of the Boston FBI until it was too late to question relevant witnesses concerning them," see United States v. Flemmi, No. 94-10287-MLW (D. Mass. August 30, 2001) at 13-14, Salemme, 91 F.Supp.2d at 154 n.3, 213-14;

- After waiting until March 20, 2000, two months after McIntyre's body was discovered, to dismiss the indictments against John McIntyre in United States v. Murray et al., see February 11, 2000 correspondence to SAC Barry Mawn from ASUA Brian Kelly and March 20, 2000 Dismissal of Indictment and Arrest Warrants, attached as Exhibit G.

- After failing to bring the initial criminal charges for McIntyre's murder until July 2000, two months after plaintiff filed its administrative claim, see Superceding Information United States v. Kevin Weeks, 99-10371-RGS;

the United States now asserts that the McIntyre family should have known that McIntyre was indeed deceased; that his death was causally connected to the government's illicit relationship with Bulger and Flemmi; and that the Estate had a duty to investigate and uncover facts which only came to light after nearly two years of intensive evidentiary hearings before Judge Wolf over the repeated and strenuous objection of the United States.

Considering the extraordinary nature of the FBI's relationship with Bulger and Flemmi



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and the government's efforts to conceal that relationship from the eyes of the public and Judge Wolf, the government's contention that plaintiff's claim accrued more than two years prior to its presentation to the FBI in May 2000 is outrageous. At defendant Stephen Flemmi's sentencing hearing in August 2001 Judge Wolf commented that as a result of his hearings "fifteen years after [John McIntyre] disappeared, [Emily McIntyre] at least knows that her son is no longer alive." See Flemmi, 94-10287 MLW at 15. Chillingly, Judge Wolf also expressly found: "If Flemmi has committed any of the crimes with which he remains charged, he was able to do so largely because of the protection of the Federal Bureau of Investigation." See Id. 7. One of the crimes for which Flemmi remains charged is the murder of John L. McIntyre. See Superseding Indictment, United States v. O'Neil, 99-CR-10371-RGS. Just as Flemmi was able to escape arrest and prosecution for twenty five years as a result of his relationship with the FBI, the United States was able to escape scrutiny from potential claimants such as the McIntyres because the critical facts necessary to the presentation of the Estate's claim pursuant to the FTCA were unknown and, by government design, unknowable to all but the participants of the conspiracy alleged in the plaintiff's complaint. See Barrett v. United States, 660 F.Supp. 1291, 1308-09 (S.D.N.Y. 1987) (claim did not accrue for 25 years because critical facts in possession of army and drug supplier unknown to plaintiff).

Considering the facts available to the family prior to January 2000 no responsible attorney would have submitted a administrative claim in anticipation of signing a wrongful death complaint alleging that John McIntyre was dead or that his death was caused by wrongful conduct of federal agents acting to protect two notorious gangsters. Considering the government's aggressive and adamant statements to the public, to the family and to the federal court that McIntyre was alive and a fugitive from justice, as well as the OPR's 1997 "clearance"

of Agents Connolly and Morris, the United States surely would have responded to such a complaint with a motion to dismiss and a motion for sanctions pursuant to Rule 11 of the Federal Rules of Civil Procedure.

The United States' motion to dismiss must be denied because presentation of the Estate's administrative claim was filed well within two years of the accrual of the cause of action. Accordingly, this court has jurisdiction over claims alleging the United States is liable for the negligence and/or wrongful acts of its employees acting within the scope of their employment. See 28 U.S.C. § 2672. In the unlikely event that this Court believes that the issue of government concealment needs to be more fully developed, then plaintiff would request that this Court order limited discovery on this issue. In saying this, plaintiff strenuously believes that no further evidence is required. See Attallah v. United States, 955 F.2d 776, 780 (1st Cir. 1992).

II. STANDARD OF REVIEW

In adjudicating a motion to dismiss for lack of subject matter jurisdiction pursuant to Fed.R.Civ.P. 12(b)(1) "the district court must construe the complaint liberally, treating all well-pleaded facts as true and indulging all reasonable inferences in favor of the plaintiff." See Aversa v. United States, 99 F.3d 1200, 1209-10 (1st Cir. 1996); Heinrich, 44 F.Supp.2d at 415. The court has broad discretion in determining the manner in which it will consider the issue of jurisdiction and, accordingly, may 1) consider evidence submitted by the parties, such as depositions and exhibits, 2) entertain arguments not raised by the parties' memoranda; and 3) resolve factual disputes if necessary. See Heinrich, 44 F.Supp.2d at 415.

III. A CLAIM DOES NOT ACCRUE UNDER THE FTCA UNTIL PLAINTIFF KNOWS, OR WITH REASONABLE DILIGENCE, SHOULD KNOW, THE CRITICAL FACTS AS TO BOTH THE INJURY AND ITS CAUSE

Pursuant to the FTCA, a plaintiff has two years from the date a claim against the United

States accrues to present a written claim with the appropriate agency in order to preserve the right to file a civil action in federal court against the United States.[1] See 28 U.S.C. § 2401(b); Attallah v. United States, 955 F.2d 776, 779 (1st Cir. 1992). "The filing of a timely administrative claim is a jurisdictional requirement that cannot be waived." See Attallah, 955 F.2d at 779. If a plaintiff fails to comply with the jurisdictional requirement of § 2401(b), the claim is "forever barred." See id.

Accrual of a cause of action under the FTCA occurs when the plaintiff has knowledge of the existence of the injury and its cause. See United States v. Kubrick, 444 U.S. 111, 118-125 (1979). In garden-variety tort cases the cause of action typically accrues at the time of injury because "what" and "who" caused the injury are readily apparent. However, courts recognize that in many instances, such as wrongful death cases, plaintiffs are unaware of the "critical facts" of their claim "because the facts establishing a causal link between the injury and its cause are undiscoverable." See Heinrich, 44 F.Supp.2d at 415 (D. Mass. 1999).

This "discovery rule" is an objective test meaning that the claim accrues "when the injured party knew or, in the exercise of reasonable diligence, should have known the factual basis for the cause of action." See Attallah, 955 F.2d at 780. In order for the discovery rule to be implicated "the factual basis for the cause of action must have been 'inherently unknowable' at the time of the injury." See id.

In the present matter both the injury complained of, the wrongful death of John McIntyre, and its cause, the negligent acts or omissions of the named federal defendants, were "inherently unknowable" until Judge Wolf issued his opinion on September 15, 1999 and John McIntyre's remains were subsequently discovered in January 2000. See Heinrich, 44 F.Supp.2d at 418

[1] Only upon final denial of the administrative claim or failure of the agency to make final disposition of the claim within six months of its filing, may the plaintiff file a civil action in the appropriate district court. See 28 U.S.C. § 2675

A. The Estate Did Not Know Nor Should Have Known of Its Injury Until John McIntyre's Body Was Discovered in January 2000

The United States has moved to dismiss, claiming the plaintiff failed to present its May 2000 administrative claim within two years of its accrual as required by 28 U.S.C. § 2401(b) asserting plaintiff's claim accrued prior to May 31, 1998 because: 1) in 1985, an attorney for the McIntyre family allegedly wrote a letter to then Attorney General Edwin Meese requesting an investigation into the circumstances of McIntyre's disappearance and possible death; 2) in 1989, Emily McIntyre and the family's attorney co-authored Valhalla's Wake, a book, that among other things, speculated into McIntyre's disappearance and apparent death suggesting that he was murdered by British intelligence agents; and 3) media stories from 1992 through 1998 speculating into the cause of McIntyre's disappearance and potential death. See United States' Brief in Support of Its Motion for Dismissal at 3-7 ("Brief"). The government's position is factually flawed and wrong as a matter of law.

When an injury is "not immediately apparent," the cause of action accrues "at the time the injury is discovered or when a claimant in the exercise of reasonable diligence could have discovered it." See Attallah, 955 F.2d at 780 (emphasis added); see also Kubrick, 444 U.S. at 121-25. Furthermore, a cause of action does not accrue "when a person has a mere hunch, hint, suspicion, or rumor of a claim" though such suspicions "give rise to a duty to inquire" into the possible claim "in the exercise of reasonable diligence." See Kronisch v. United States, 150 F.3d 112, 121 (2nd Cir. 1998).

The plain and simple fact of this case is that Emily and Chris McIntyre did not discover the injury, i.e. the wrongful death of John McIntyre, until after his body was exhumed in Dorchester, Massachusetts on January 14, 2000 and the remains were identified a month later. Thus, plaintiff legally became aware of its injury for the purposes of filing a claim at that time.

See Attallah, 955 F.2d at 780 (knowledge of injury imputed only upon indictment of customs agents); Hemrich, 44 F.Supp 2d at 415-419 (knowledge of 1960s wrongful death imputed only upon 1995 Presidential report).

Nor could Emily and Chris McIntyre in the exercise of reasonable diligence have discovered the injury prior to January 2000. Although his family may have their suspicions, it was "not immediately apparent" that McIntyre had been murdered until his body was discovered.[2] Moreover, the government's misconduct in concealing the evidence of its wrongful collaboration with Bulger and Flemmi including a 1997 OPR investigation clearing Connolly of wrongdoing blocked any reasonable efforts of the family to discover the critical facts of their claim. See Attallah, 955 F.2d at 780 (discovery rule warranted delayed accrual when plaintiff could not have known of tortious conduct until indictment of customs agents).

The government argues that plaintiff's cause of action may have accrued in 1985 when a family attorney wrote to Attorney General Edwin Meese "demanding an investigation and asserting that '[i]t is murder . . .when the government knowingly exposes an informant." See Brief at 11. The government responded to this request by returning an April 1986 indictment against John McIntyre. See Exhibit B. Moreover, as late as January 1995, the special agent in charge of United States Customs in the Boston area made a public pronouncement there was "no proof" that McIntyre was dead. See Exhibit E (emphasis added). As of September 6, 1995 and April 20, 1999, the docket entries at this Court pronounced that McIntyre remained a fugitive. See Pacer Docket Entry United States v. Murray, et al., 86-CR-118, attached as Exhibit H. Not until February 11, 2000, one month after the discovery of McIntyre's remains, did the United States conclude that John McIntyre was dead. See Exhibit G. It is no coincidence that the United States waited until March 20, 2000, two months after the discovery of McIntyre's bones,

[2] Indeed, the death certificate lists January 14, 2000 as the "Date of Death." See Exhibit A.

to finally dismiss the indictments against McIntyre. See Id.

Prior to the discovery of his remains, the United States, armed with the full investigatory resources of the Department of Justice and the Federal Bureau of Investigation maintained that McIntyre was alive. It is unreasonable, even unfathomable, to expect that Emily and Chris McIntyre could have, in the exercise of reasonable diligence, reached any different conclusion based upon the facts and resources available to them. The family, exercising its "duty to inquire," turned to its government requesting an investigation. In response, they were affirmatively told that McIntyre was alive and a fugitive and that government agents Connolly and Morris were in full compliance with the law. The available documentary record was consistent with that position. Indeed, Judge Wolf, in September 1999 after months of extensive evidentiary hearings agreed that the question concerning McIntyre's disappearance and death could not "be resolved on the present record." See Salemme, 91 F.Supp.2d at 213. Accordingly, the earliest date on which plaintiff could be deemed, for "accrual" purposes, to know or have sufficient reason to know of its injury was when the remains were identified in February 2000. See Attallah, 955 F.2d at 780, See Heinrich, 44 F.Supp.2d at 415-419 (FTCA plaintiffs' wrongful death claims arising from early 1960s did not accrue until 1995 Presidential report revealing government involvement in radiation experiments on decedents despite previous articles and 1986 congressional report); see also Barrett v. United States, 660 F.Supp. 1291, 1309 (S.D.N.Y. 1987) ("while the law requires that plaintiff have been reasonably diligent in pursuing its claim, it does not require that plaintiff have gone chasing after shadows"). Because plaintiff presented its administrative claim shortly thereafter in May 2000, the government's motion to dismiss must be denied.[5]

[5] The government's reliance on Kronisch v. United States, 150 F.3d 112 (2nd Cir. 1998) to support its argument that plaintiff slept on its rights is misplaced. First, contrary to the government's representation that "[p]laintiff knew

A. The Estate Did Not Know Nor Should Have Known of Critical Facts Linking the Injury to Its Cause Two Years Prior to Filing Its Administrative Claim

The FTCA's discovery rule tolls the accrual of a claim when "the facts establishing a causal link between the injury and its cause" could not have been discovered in the exercise of reasonable diligence. See Kubrick, 444 U.S. at 122; Attallah, 955 F.2d at 780

The government claims plaintiff was aware of the cause of its injury because "[t]he allegations contained in the 1985 letter, and those in the 1989 book, constitute essentially the same claim that plaintiff is making in the instant action: federal agents disclosed John McIntyre's status as a government informant and, as a result, he was murdered." See Brief at 11. The government glosses over the facts available to plaintiff prior to January 2000, obscures the content of Valhalla's Wake and sidesteps the controlling law.

The 1989 book Valhalla's Wake speculates that a United States Customs official shared intelligence with the British government that McIntyre was providing information regarding the shipment of illegal arms to the Irish Republican Army as well as shipment of drugs into the Boston area. See Valhalla's Wake at 174 attached as Exhibit I. The book goes on to speculate that British intelligence murdered McIntyre as part of a disinformation campaign to protect a British spy within the IRA. See Id. at 196. According to Valhalla's Wake, John McIntyre's father believed "his son had been murdered--not by Joe Murray, the Mob, or the IRA" but by the British government. See Id. at 196.

The Wolf hearings established that this speculation about the circumstances surrounding McIntyre's disappearance was wrong in every single significant detail. To be sure, there was the

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McIntyre was dead," the McIntyre's, in accord with the United States Customs Official's 1995 pronouncement, had "no proof" that McIntyre was dead. Indeed, the Estate of John L. McIntyre was not formed until May 2000. Second, the Kronisch court determined plaintiff's injuries from CIA funded experiments in the 1950s did not accrue until Senate hearings in 1978, but that the plaintiff's claim was untimely because it was filed in 1981, or three years after the Senate hearings provided notice of the claim. See 150 F.3d at 121-22. Here, the Estate had no proof of injury until several months before filing its administrative claim.

hunch that McIntyre's status as an informant had been revealed, but the unsupported belief was the disclosure had been made to a sovereign state, not to local thugs; nor was there ever any contention that the leaking of McIntyre's informant status to known local murderers was not an isolated incident, but rather an integral part of a 30 year conspiracy; a core act that was part of an overall pattern and practice that was in clear violation of mandatory standing policies and procedures of the Attorney General of the United States. Moreover, the Government's motion overlooks the simple and critical fact that it was the Government's partners --Bulger and Flemmi --that apparently committed McIntyre's murder, and that prior to their execution of McIntyre they had exterminated other individuals whose cooperation had been leaked to them by the Government. Plaintiff's claim and complaint presents a case radically different than the one suggested in Valhalla's Wake. See Attallah, 955 F.2d at 778-780.

The "facts" set forth in the book could never sustain a FTCA claim because it was allegedly the British Government that had McIntyre killed--using a "two-man hit team from the secret intelligence service dispatched from Bermuda." Exhibit I at 196. Moreover, the government conveniently overlooks the book's contention that "the Feds had not yet realized that British intelligence had assassinated, on American soil, a confidential source of the U.S. Government." Id. Accordingly, at best, the book suggests wrongduing against the British Government, but presents no factual evidence to support a claim against the United States under the FTCA.

It is not surprising that a mother whose son was missing would seek to find answers, as well as make exaggerated accusations from her abyss of grief. Wildly and wrongly lashing out against the American and British governments does not manifest the requisite degree of knowledge required for a claim to accrue under the FTCA, and appropriately, plaintiff waited

until the real facts became developed prior to filing its claim. Unfortunately, the real facts as developed are far more sordid than those suggested in the book.

Among other things, plaintiff's administrative claim and complaint alleges that former agents of the FBI conspired to protect and shield from prosecution Bulger and Flemmi in exchange for Bulger and Flemmi's agreements to provide information to aid the FBI in its prosecution of LCN; that the Boston Office of the FBI 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 actually murdered McIntyre after he agreed to become a FBI informant in 1984.

None of these "critical facts" are contained in the 1985 letter to Attorney General Meese or in the 1989 book Valhalla's Wake. Indeed, prior to Judge Wolf's landmark hearings none of these facts were available to anyone beyond Bulger, Flemmi and their co-conspirators within the Boston Office of the FBI. Accordingly, even if knowledge of injury could be attributed to the Estate in 1989, the critical facts establishing a causal link between the injury and governmental responsibility for that injury were "inherently unknowable" and could not have been established in the exercise of reasonable diligence. See Attallah, 955 F.2d at 780; Limzzo, 485 F.Supp. 1274, 1281-82 (E.D. Mich. 1980).

Attallah v. United States, 955 F.2d 776 (1st Cir. 1992) is controlling First Circuit precedent regarding the FTCA discovery rule. In Attallah, on or about September 10, 1982 a courier transported currency and other assets belonging to plaintiffs to Puerto Rico with the

intention of depositing the assets at a bank in San Juan. Upon arrival, the courier "declared and surrendered the assets for verification" to United States Customs agents. When the plaintiffs did not hear from the courier, they contacted Customs "and were told, by a person who identified himself as a Customs agent, that [the courier] had been processed by customs and had left the premises." Customs confirmed this information the following day. See Id. at 778. Approximately ten days later, the courier's body was found. The police informed Mr. Attallah "they had no leads as to who was responsible for the criminal acts committed." See Id.

Nearly five years later, in May 1987, a federal grand jury indicted two former Customs agents for the assault, robbery and murder of the courier. In June 1987 Mr. Attallah learned of the indictment when approached to testify at the agents' criminal trial. On January 12, 1988 the Attallahs presented their administrative claim to the Customs Service pursuant to the FTCA. See Id

The First Circuit held: "the principles established by the discovery rule warrant a delayed accrual ... since appellants did not know, nor in the exercise of reasonable diligence could have known of the Customs agents' criminal acts until the time of their indictment in May of 1987." Prior to the indictments, the plaintiffs could not "have known the factual basis for their claim - the robbery and subsequent assassination of their courier by two Customs agents." See Id. (emphasis added).

Liuzzo v. United States, 485 F.Supp. 1274 (E.D. Mich. 1980) provides additional guidance regarding the causation element of plaintiff's claim. In Liuzzo, four members of the Ku Klux Klan murdered civil rights worker Viola Liuzzo in March 1965. See Id. at 1275-76. The following day President Johnson appeared on television announcing the arrest of the Klansmen and praising the FBI for its prompt and successful investigation. See Id. at 1276. One

of those arrested, Gary Rowe, was an undercover FBI informant. Because Rowe was not charged rumors "began to circulate" that he was an informant. This belief was confirmed when Rowe testified against the other Klansmen at trial admitting he was "approached by an FBI agent . . . and was asked to infiltrate the Klan." At trial, Rowe testified, despite cross examination attacking his story, that he did not partake in Liuzzo's murder and when he embarked with the other Klansmen on the day of the murder "he did not know . . . that the trip would end in a slaying." See Id. at 1276-77.

In 1975 and 1976 the Senate Select Committee on Governmental Operations conducted an investigation, in part, of the activities of the FBI and Gary Rowe when infiltrating the civil rights movement. During the course of the hearings, Rowe "for the first time" disclosed his participation in acts of violence, including Liuzzo's murder, and that this participation was "known and approved by his contact agent." See Id. at 1279.

The district court held that despite knowing in 1965 that their mother had been murdered by the KKK and that one of the passengers in the car was a FBI informant, the claim had not accrued prior to 1975 because "the plaintiffs lacked knowledge of the identity of the persons they now allege" to be culpable and "the fact that the alleged tortfeasors may have been culpably involved in the killing, as well as their status as government employees." See Id. at 1283 (emphasis added).

Similarly, in the present matter, plaintiff was not aware that Bulger and Flemmi were FBI informants, was not aware that the Boston Office of the FBI acted to protect and shield Bulger and Flemmi from prosecution and was not aware, that as a result of the negligence of the eight former agents named as defendants that McIntyre has been wrongfully killed. Accordingly, plaintiff's cause of action could not have accrued until it had knowledge both that McIntyre was

dead and that his death was caused in part by the wrongful conduct of the FBI. See also Heinrich, 44 F.Supp.2d at 416 (where injury has two causes and only one is government, claim accrues under FTCA upon knowledge of governmental causation); Barrett, 660 F.Supp. at 1308-09 (FTCA claims against United States did not accrue until 1975 when army's involvement in 1953 death from experimental drug injections was revealed despite estate's 1955 settlement agreement with drug company); Bergman v. United States, 551 F.Supp. 407 (W.D. Mich. 1982) (same holding as Liuzzo based on similar fact pattern)

In contrast, the government's reliance on Gonzalez-Bernal v. United States, 907 F.2d 246 (1st Cir. 1990), for the proposition that "it is not necessary for a plaintiff to know the identities of those who murdered their decedent for the cause of action to accrue" is misplaced. The government's Brief assiduously avoids mention that when the First Circuit revisited the same fact pattern two years later in Attallah, discussed supra, it expressly stated Gonzalez-Bernal was limited to the narrow holding that § 2401(b) bars a civil action not filed within six months of denial of an administrative claim. See Attallah, 955 F.2d at 780 n. 6. Accordingly, Gonzalez-Bernal is inapposite to the issues of plaintiff's knowledge of the identity of those responsible for McIntyre's death, when plaintiff's claim accrued and whether plaintiff presented its claim in a timely fashion.

Precedent is clear that when, in the exercise of reasonable diligence, plaintiff does not possess and could not have known critical facts that a government employee had caused its injury, a cause of action against the United States has not accrued pursuant to the FTCA.

C. Media Reports Did Not Give Plaintiff Knowledge of Injury or its Cause

Finally, the government's contention that news reports from the 1990s established the causal link between plaintiff's injury and its claim is unfounded. Taken together the sundry

articles amount to nothing more recounting of rumor and speculation that McIntyre may be dead and that the IRA or Joseph Murray or Bulger and Flemmi or some underworld faction may have killed him. None of the media reports provide a factual basis establishing that injury had occurred. Rather, the only directly attributable information contained therein are speculation by a government official that McIntyre was a victim of someone other than Bulger and Flemmi and the 1995 recitation of the United States official view there was "no proof" McIntyre was dead.[4] See Exhibits D and E

## IV. THE LIMITATIONS PERIOD WAS TOLLED BECAUSE THE UNITED STATES CONCEALED ITS TORTIOUS CONDUCT FROM THE ESTATE FROM 1984 TO THE FILING OF AN INFORMATION AGAINST DEFENDANT KEVIN WEEKS IN JULY 2009

The statute of limitations is tolled under the FTCA when "the United States itself played a wrongful role in concealing the culprit's identity." See Dipiazza v. United States, 728 F.2d 301, 305 (6th Cir. 1984). In determining whether the government has deliberately concealed facts or evidence the court distinguishes "mere silence" which, in certain circumstances, may not rise to concealment, from affirmative acts, omissions or representations which, in fact, do prevent discovery of the plaintiff's claim. See Barrett, 660 F.Supp. at 1308-09.

The government relies upon Dipiazza v. United States for the proposition that the Wolf hearings did not postpone accrual of plaintiff's claim. See Brief at 14-16. However, the Sixth Circuit's holding is limited to the principal that § 2401(b) is tolled by the doctrine of fraudulent concealment only when such conduct be imputed to the United States.[5] See Dipiazza, 728 F.2d at 306. Here a federal judge has made specific findings that the United States acted to conceal

[4] Additionally, the 1997 Boston Globe article most heavily relied upon by the government contains statements attributed to government authorities that "absence of a body and the weakness of the evidence" made it "impossible" to bring charges for McIntyre's murder. See Brief at Exhibit 6.

[5] Likewise the government's reliance on Rutledge v. Boston Woven Hose and Rubber Co., 576 F.2d 248 (9th Cir. 1978) for the proposition "plaintiff cannot complain that it would have been futile to ask FBI whether it was responsible for decedent's death," see Brief at 15 n. 11., flies in the face not only of Judge Wolf's findings, but also the holdings in Attallah, Heinrich, Barrett, Lutzko and Bergman while ignoring that Rutledge is not a FTCA case.

evidence so that the fate of John McIntyre would remain hidden.

As discussed, supra, the public record relating to this matter is littered with affirmative falsehoods and misrepresentations from government officials concealing "critical facts" essential to plaintiff's claim. From the time of his disappearance in 1984 to the discovery of his remains in January 2000, the FBI failed to conduct a good faith investigation into the circumstances of his disappearance because they did not want to disrupt their relationship with Bulger and Flemmi and the benefits that the FBI, the United States and the individual agents were receiving as a result of that relationship. See Complaint at ¶ 302-303. During this period, agents of the FBI denied any special relationship with Bulger and OPR publicly cleared defendants Morris and Connolly of wrongdoing. See Exhibit C and F. Even after Judge Wolf ordered the public disclosure of Bulger and Flemmi's status as informants, the United States failed to comply with the court's discovery orders. See Salemme, 91 F.Supp.2d at 154 n.3. More tellingly for the issue at hand, Judge Wolf made specific findings that "important FBI documents concerning John McIntyre were ... improperly withheld by agents of the Boston FBI until it was too late to question relevant witnesses concerning them," see Flemmi, No. 94-10287-MLW at 13-14, and the question of 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 Salemme, 91 F.Supp.2d at 213. In August 2001 Judge Wolf determined that the FBI's efforts to conceal its behavior is endemic of a "culture" that "is enduring and exists today." See Flemmi at 12.

The motion to dismiss overlooks that government liability arises from the relationship between the government and McIntyre's murderers. Plaintiff's complaint alleges that for a 30

year period the government committed a wholesale violation of controlling and mandatory guidelines regulating the activities of high echelon informants; negligently failing to supervise the work performance of government agents responsible for the safety and protection of the public at large, and McIntyre in particular. The complaint also alleges that the government conspired to protect its relationship with Bulger and Flemmi by intentionally engaging in obstructionist conduct and disinformation that prevented courts, litigants, and the public from learning the truth of this illicit relationship and the harm caused to plaintiff

Accordingly, the United States itself played a wrongful role in concealment of the identity of facts critical to accrual of plaintiff's claim and the government's motion to dismiss should be denied See Heinrich, 44 F.Supp.2d at 415-419; Barrett, 660 F.Supp. at 1308-09.

V. THE PLAINTIFF EXPRESSLY RESERVES THE RIGHT TO MOVE FOR DISCOVERY

The Government's Motion to Dismiss should be denied based upon the record presently before the Court. However, if this Court should determine that it cannot resolve the government's motion based upon the current record or, is inclined to allow the motion on "wrongful concealment" grounds and the current state of the record on that issue of fact, plaintiff specifically requests the Court order limited discovery on jurisdictional issues. See Dynamic Image Technologies, Inc. v. United States, 221 F.3d 34, 38-39 (1st Cir. 2000).

VI. CONCLUSION

For the reasons stated above plaintiff respectfully submits that United States' Motion to Dismiss must be denied.

Respectfully submitted,

The Estate of John L. McIntyre

By Their Attorneys
SHAHEEN & GORDON, P.A.

Dated: November 15, 2001

By: _____
William E. Christie #566896
Two Capital Plaza, 4th Floor
P.O. Box 2703
Concord, NH 03302-2703
(603) 225-7262

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon each party appearing pro se and the attorney of record for each other party by mail on November 15, 2001.

_____
William E. Christie
Jeffrey Denuman

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Respectfully submitted,

The Estate of John L. McIntyre

By Their Attorneys
SHAHEEN & GORDON, P.A.

Dated: November 15, 2001

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William B. Christie

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NOV.30.2001 17:21 6179713562 DENNER BAYSO LLP #2214 P.025

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss

Superior Court
Cr. Nos. 32367, 69-70

Commonwealth

v.

Motion for New Trial

Peter Limone

Now comes the defendant in the above-entitled case and, pursuant to Rule 30(b) of the Rules of Criminal Procedure, the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, and the Declaration of Rights of the Constitution of Massachusetts, requests this Court grant a new trial. Defendant also requests an evidentiary hearing.

Defendant states that he was convicted as an accessory before the fact of the March 12, 1965 murder of Edward "Teddy" Deegan, and sentenced to death, on July 31, 1968, solely on the uncorroborated accomplice testimony of Joseph "The Animal" Barboza. He was also charged with the other defendants in a conspiracy to murder Deegan, and in another indictment with conspiracy, to murder one Stathopolous.

Since the time of his conviction and subsequent appeals, new law has evolved, and new facts have been made public which require, in order that justice be served, that a new trial be ordered.



In support hereof, Peter Limone avers the following:

1. There was no instruction in the judge's charge to the jury regarding the high level of certainty required in order for the prosecution to prove guilt beyond a reasonable doubt, *Comm. v. Pinckney*, 419 Mass. 341, (1995).

2. The term "moral certainty" was used "in isolation, without further explanation." There was no language linking the judge's reference to "moral certainty" with any explanatory language, or content lending language. *Comm. v. Pinckney, supra* at 344, that satisfied the judges reference to "moral certainty."

3. The Supreme Judicial Court, in *Comm. v. Bonds*, 424 Mass. 698, 703 (1997) reversed where language equated proof beyond a reasonable doubt a reference to "moral certainty" and compared it to the type of certainty required in making important personal decisions. Defendant's case is more egregious, because the judge gave the personal decision making analogy in explaining reasonable doubt and then

referred to "moral certainty or other kinds of certainty without linking it to any explanatory language. [Tr. 7475-8].

4. In reviewing the entire charge to the jury, and in the circumstances of the entire case, the defendant further directs the Court's attention to the defective, burden shifting alibi charge, which is "Clear Error" [Tr.7471-2],

and the judge's failure to give a "great care and caution" charge regarding the accomplice Barboza.[Tr. 7474]

5. Subsequent to the denial of his previous motion for a new trial, it was revealed in US District Court, for the District of Massachusetts, that one Stephen Flemmi, in "the early 1960s, began exchanging information with the FBI," and became a "Top Echelon Informant," in 1967. He was developed by FBI Special Agent H. Paul Rico. In 1965, "Flemmi was involved in a major gang war," and led one of the warring factions, *United States v. Salemme, et al.*, 91 F.Supp.2d 141, 176-178 (1999).

6. According to previously filed police reports, two of which were made shortly after the Deegan murder was committed, and which were never made available to the defense, Flemmi's brother, Vincent, a/k/a "Jimmy" was one of the murderers of "Teddy" Deegan. He was never prosecuted, nor were Nicky Femia, Frank Imbruglia, or Freddie Chiampa [sic]. Exhibit "A."

7.Subsequently, in 1966 and 1967, Rico and his partner, Dennis Condon "were actively attempting to persuade Barboza to become a government witness...in the investigation they were conducting, with state officials, of the 1965 murder of Teddy Deegan." *Id.* at 180.

8. Although the Commonwealth has stated that there were no promises, rewards, or inducements made to Barboza in

exchange for his testimony, this statement has been proven false. According to Federal Judge Wolf's decision, "Flemmi...through his unwitting brother, Jimmy Flemmi, also provided a valuable means for Rico to communicate information to Barboza that he hoped would cause Barboza to be receptive to Rico's effort to recruit him." *Id.*

9. Defendant submits that "Jimmy" Flemmi was anything but "unwitting" and was part of a conspiracy to frame defendant and others for murder, and allow "Jimmy" Flemmi, Barboza, and their associates to get away with murder. Defendant also submits that this was one of the inducements made to Barboza that was not revealed to the defense.

10. According to an affidavit previously filed by Attorney F. Lee Bailey, there was a conspiracy between Barboza, Bailey's former client, and federal authorities. One of those authorities, former FBI agent H. Paul Rico, is presently the subject of a Federal Grand Jury Investigation, and has also been found to have engaged in "criminal conduct, including perjury." *Id.* at 182, citing *Lerner v. Moran*, 542 A2d 1089 (R.I. 1988). In that case the Supreme Court of Rhode Island found, among other things, "that Rico had urged one of his informants to lie under oath, in part to mask another of Rico's informant's role in a murder." According to the Bailey affidavit:

"He [Barboza] stated of the people against whom he had testified, Roy French and Ronnie Cassesso were in fact involved, French directly and Cassesso indirectly. He told me that Henry Tameleo and Peter Limone were not involved, but that he 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.'..., and that he had in that story implicated Louie Greco because of a personal grudge..." The entire Bailey affidavit is hereby incorporated by reference as if expressly repeated herein.

11. The Commonwealth has refused all discovery, to wit, Grand Jury testimony, police reports, and reports and memoranda of the development of this case by prosecuting authorities, including, but not limited to H. Paul Rico.

12. Defendant alleges that the conspiracy between Barboza and prosecution authorities extended to, and was part of a conspiracy with "Jimmy" and Stephen Flemmi, which facilitated and encouraged Stephen Flemmi to become an informant, which included, but was not limited to substituting Louis Greco, who was prosecuted and convicted in the Deegan Murder, for "Jimmy" Flemmi. In addition, the above-named Flemmi associates, although they were known the night of the murder, were never prosecuted for the murder of Deegan.

13. Subsequent to the denial of his previous motion for new trial, it was learned that the "lead counsel" at trial, Joseph Balliro, represented both Barboza and "Jimmy" Flemmi. Attorney Balliro made statements to the news media regarding this representation, and when questioned regarding information obtained ostensibly from Barboza and Flemmi,

cited the "lawyer-client privilege." A copy of the relevant portion of the news article is attached. Exhibit "B."

14. Further, subsequent to the conviction of the defendant, former Boston Traveler reporter, James Southwood, was given a copy of the Grand Jury testimony by Barboza, who told him that it would prove that he, Barboza, had lied at the trial. Subsequently, Barboza told him to return the Grand Jury testimony to Attorney Balliro, which he, in fact, did. Exhibit "C."

15. Defendant states that he did not assent to, nor was he advised of this multiple representation by Mr. Balliro, which was an actual conflict of interest and deprived him of effective assistance of counsel. *Comm. v. Geraway*, 364 Mass. 168, 301 N.E.2d 814 (1973).

16. Although Mr. Balliro's citing the attorney-client privilege has demonstrated an actual conflict of interest, thereby requiring no prejudice need be shown, defendant requests the Court take notice of the following:

* On June 22, 1994, in certifying defendant's case for review by the SJC, Justice Greaney stated, regarding the police reports, "The information...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]." *Limone et al. v. Commonwealth*, Nos. 94-223-24, slip op. at 3.

- In its original decision sustaining defendant's conviction, *Comm. v. French*, 357 Mass. 356 (372) n. 13, (1970), the SJC stated, "It does not appear that any defendant in fact cross-examined any other defendant who took the stand..."

- At trial, Attorney Balliro represented co-defendant Henry Tameleo. His office also represented co-defendant Salvati. During pre-trial proceedings Mr. Balliro also represented defendant Limone. Furthermore, prior to the arraignment of co-defendant Greco, Attorney Balliro advised Greco to waive his rendition hearing in Florida, and return to Massachusetts. According to an affidavit filed by co-defendant Greco (deceased), Mr. Balliro did not advise him of his representation of Barboza or Flemmi. Exhibit "D." Had Greco remained in Florida, this trial would never have taken place, because the investigation surrounding Greco's Florida alibi proved he was "totally innocent" of Deegan's murder, and would have required the prosecution to produce all police reports, memoranda and sworn testimony of Barboza, and would have required Barboza to submit to a polygraph examination, as did Greco. See affidavit of Richard Barest, sworn statement of Barbara Dones Brown, and the Miami Police Polygraph examination of Greco, previously filed in this Court. This information was in possession of prosecuting authorities prior to trial. But, as we now know, not only was this a conspiracy to frame individuals reputed to be members of *La Cosa Nostra*, it was also part of a sordid and diabolical plot to develop Stephen Flemmi as an informant, while, at the same time, allowing his brother "Jimmy" and their associates, among them Barboza, to get away with murder.

- The Commonwealth has continuously represented that the defendants presented a "team defense". This statement, *per se*, is an admission of an actual conflict of interest.

17. Defendant states that were it not for the conflict of interests that existed, the information in the police

reports would have been properly developed, he would have cross-examined other defense witnesses, and called the actual murderers of Deegan as hostile witnesses. Exhibit "E."

WHEREFORE, defendant requests that the Court grant a new trial.

By his attorney,

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25 Barnes Ave.
E. Boston, MA 02128
617-567-4697

June 20, 2000

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CRIMINAL ACTION
NOs. 32367, 32369, 32370

COMMONWEALTH

vs.

PETER J. LIMONE

**MEMORANDUM OF DECISION AND ORDER ON DEFENDANT'S MOTION FOR A NEW TRIAL AND COMMONWEALTH'S MOTION TO VACATE DEFENDANT'S CONVICTIONS, GRANT A NEW TRIAL AND ADMIT DEFENDANT TO BAIL**

Defendant Peter J. Limone was convicted in 1968 for being an accessory before the fact in the murder of Edward Deegan, for conspiracy to murder Deegan and for conspiracy to murder Anthony J. Stathopoulos. The matter is now before me on defendant's motion for a new trial, under Mass. R. Crim. P. 30(b) and the Massachusetts and Federal Constitutions, on numerous grounds, and the Commonwealth's motion to vacate defendant's convictions, grant a new trial and admit the defendant to bail. Based upon certain developments, more fully described below, which occurred while discovery was proceeding, it became apparent that certain of Limone's new evidence-based claims were likely to prove dispositive of this motion favorably to Limone. For this reason, the scope of an evidentiary hearing was confined to address Limone's claims

EXHIBIT
920

1-5-01
Filed

regarding certain newly discovered exculpatory evidence.[1] This evidentiary hearing was conducted on January 5, 2001; the court received into evidence 26 pages of documents produced by the Justice Task Force to the parties on December 19, 2000. For reasons more fully discussed below, after review of the trial transcript, I ALLOW Limone's motion for a new trial and I ALLOW the Commonwealth's motion to vacate defendant's convictions, grant a new trial and admit defendant to bail.

## BACKGROUND

### I. Background of the Case Before This Motion

The facts of this case are set forth in the opinion of the Supreme Judicial Court affirming the convictions of Limone and his five codefendants. See *Commonwealth* v. *French*, 357 Mass. 356, 361-370 (1970), judgments vacated as to death penalty *sub nom. Limone* v. *Massachusetts*, 408 U.S. 936 (1972). Between May 27, 1968 and July 31, 1968 Limone was tried jointly with five codefendants.[2] Briefly stated, the evidence presented at trial through the key prosecution witness, one Joseph Barboza (also known as Joseph Baron), was that Limone offered Barboza a contract to kill Deegan for $7,500. Barboza testified that Limone later offered an additional $2,500 if Stathopoulos were also killed. During a break-in at a financial institution, Deegan was killed in an alley in Chelsea on March 12, 1965, but Stathopoulos drove away from the crime

[1] I intend this decision to address only those claims which I discuss. I have not considered any of Limone's claims or arguments not discussed in this decision. I save all of Limone's rights as to those other claims and arguments, should that be necessary.

[2] Limone's codefendants at trial were Wilfred Roy French, Lewis Grieco, Henry Tameleo, Joseph L. Salvati and Ronald Anthony Cassesso. On January 4, 2001, the Commonwealth moved to vacate Salvati's conviction and for a new trial in that case. Those motions are pending.

scene.[3,4]

More specifically, 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,[5] Cassesso, Salvati, French, Grieco and others, not including Limone.[6] Stathopoulos escaped. Some time later, Barboza testified, he met with Limone, who paid him for the Deegan murder.

A jury convicted Limone on the two counts of conspiracy to commit murder and of being an accessory before the fact. Limone was sentenced to death.[7] The convictions of Limone and all the codefendants were affirmed by the Supreme Judicial Court. *Commonwealth* v. *French*,

[3] Limone testified at trial that he had been friendly with Deegan; had no alibi for March 12-13, 1965; first met Barboza in February 1965; had seen Stathopoulos with Deegan at a veterans' club and had known Grieco only from late 1965. Limone said he had met French in the Charles Street jail and had known Cassesso, Salvati and Tameleo for some years. *French*, 357 Mass. at 370 n.10; Trial Transcript, Vol. 45, pp. 6183 *et seq.*

[4] Stathopoulos subsequently cooperated with the District Attorney's office in prosecuting this case. Although he testified at trial, his testimony did not implicate Limone.

[5] Barboza pled guilty to two indictments for conspiracy on the first day of jury selection. He was murdered in 1976.

[6] Barboza mentions Vincent James Flemmi as a participant in the scheme. Flemmi, who is now deceased, was never indicted. The newly disclosed evidence reveals that Flemmi was an F.B.I. informant around the time Deegan was murdered and for a period thereafter.

[7] French, who the trial evidence showed shot Deegan, was found guilty of murder in the first degree with a recommendation that death not be imposed. Salvati was convicted of being an accessory, also with a recommendation against death. Grieco, who the evidence also showed shot Deegan, was found guilty of murder in the first degree, and Cassesso and Tameleo were found guilty as accessories. Grieco, Cassesso and Tameleo were convicted on two conspiracy indictments; each was sentenced to death.

357 Mass. 356 (1970). Limone's death sentence was vacated by the United States Supreme Court following its decision in *Furman* v. *Georgia*, 408 U.S. 238 (1972). See *Limone* v. *Massachusetts*, 408 U.S. 936 (1972).[8]

Limone's first motion for a new trial was denied in 1970, and this denial was affirmed on appeal. *Commonwealth* v. *Cassesso*, 360 Mass. 570 (1971). A petition for habeas corpus filed in the United States District Court for the District of Massachusetts was dismissed, and this dismissal was affirmed by the First Circuit Court of Appeals. *Grieco* v. *Meachum*, 533 F.2d 713 (1st Cir. 1976), *cert. denied sub nom. Cassesso* v. *Meachum*, 429 U.S. 858 (1976). Limone's second motion for a new trial was denied in 1990, and this denial was affirmed on appeal. *Commonwealth* v. *Limone*, 410 Mass. 364 (1991). Other motions for a new trial were filed in 1993 and were denied, which was also affirmed. *Commonwealth* v. *Salvati*, 420 Mass. 499 (1995).

**II. Developments Since This Motion Was Filed**

Defendant's motion for a new trial was filed on June 19, 2000. The case was assigned to me on August 2, 2000 because the trial judge (Forte, J.) had retired from the Superior Court. After a number of hearings, it became apparent that the Commonwealth had in its possession documents that the Commonwealth agreed should be made available to Limone. A discovery deadline was set, and the matter proceeded largely in compliance with that deadline. I issued an order setting forth the parties' responsibilities in compiling an itemized list of non-live evidence that would be introduced an at evidentiary hearing on this motion, should I determine an

[8] Limone was resentenced to life imprisonment.

evidentiary hearing to be appropriate.

Meanwhile, counsel for Limone had moved to intervene in *United States* v. *Stephen J. Flemmi et al.*, Crim. No. 94-10287-MLW (D. Mass.), pending before United States District Court Judge Mark L. Wolf. Judge Wolf denied intervention but indicated that certain documents might be discoverable in this proceeding. I thereafter gave notice to the United States Attorney's office of Limone's request for discovery of matters relating to the pending motion. The local United States Attorney's office agreed to review its files. This led to the parties each receiving a telephone call from John H. Durham, a Special Attorney with the United States Attorney's office. This telephone contact was followed by a letter to the parties from AUSA Durham dated December 19, 2000 enclosing 26 pages of F.B.I. documents.[9] In that letter, AUSA Durham states that in response to Limone's November 2000 request for information, F.B.I. employees assigned to the Justice Task Force began reviewing Boston F.B.I. informant, intelligence and investigative files. According to AUSA Durham, that review showed that Vincent James Flemmi was an F.B.I. informant around the time of the Deegan murder. F.B.I. focus on Flemmi as a potential source began on March 9, 1965, and the first reported contact with Flemmi as an informant was by F.B.I. Special Agent H. Paul Rico on April 5, 1965. In his letter, AUSA Durham also states that F.B.I. files show that Flemmi was contacted five times as an informant by Special Agent Rico, and that Flemmi's file was closed on September 15, 1965 after Flemmi was charged with a crime "unrelated to the Deegan murder."

AUSA Durham further states in his letter that Vincent Flemmi's F.B.I. file contains two

[9] Durham's letter and the attached F.B.I. records were admitted into evidence at the hearing on this motion.

documents relating to the Deegan murder. One is a summary of information known by the Boston F.B.I. about Flemmi's criminal activities at the time Flemmi became an F.B.I. informant. The Justice Task Force attempted to locate other investigative files that relate to the Deegan murder. Five such documents had been located as of December 19, 2000. I refer to these documents collectively as the "F.B.I. documents." These are:

(1) Memorandum dated March 15, 1965 from Special Agent Rico to the "SAC, Boston" reporting a contact with a source on March 10, 1965.

(2) Memorandum dated March 15, 1965 from Special Agent Rico to the SAC, Boston, reporting a contact with the same source on March 13, 1965.

(3) March 19, 1965 "Airtel" from SAC, Boston, to "Director, F.B.I." titled, "Criminal Intelligence Program, Boston Division" which summarizes that week's developments.

(4) Memorandum dated April 22, 1965 from a Boston "Correlator" to SAC, Boston titled "Vincent James Flemmi, Aka." which summarizes information in F.B.I. files known about Flemmi at the time he was opened as an informant.

(5) June 9, 1965 Airtel from SAC, Boston to Director, F.B.I. titled "BS 919-PC" which reports on the status of efforts to develop Vincent James Flemmi as an F.B.I. informant.

These documents are heavily redacted, and portions are of marginal legibility.[10] I summarize them below.

[10] On December 20, 2000, the District Attorney's office filed the documents received from the Justice Task Force as a pleading in this case.

AUSA Durham's letter states that there were "[s]everal impediments" to the Justice Task Force's search for records, including routine destruction of files. The result of this is that, for example, the April 22, 1965 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." However, "a case file containing information from Joseph Baron (Barboza) was located on this date, and a review of that file will begin shortly." In addition, AUSA Durham states that "it can not be stated with certainty at this time that the attached documents represent the only relevant materials in FBI files." AUSA Durham invites counsel for Limone to provide "greater specificity" as to what materials are relevant, but states that in any event the Justice Task Force will advise the parties of additional relevant documents that are discovered.

AUSA Durham included with his letter five documents, whose pages were numbered sequentially 00001 through 000026:

Document 1 is a memorandum from Special Agent Rico to the SAC, dated March 15, 1965. As noted, it states that the date of contact was March 10, 1965 and under "Titles and File [illegible] on which contacted" states "Edward [illegible] Deegan." The memorandum states:

> 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.

Document 2 is a memorandum from Special Agent Rico to the SAC dated March 15,

1965. It lists March 13, 1965 as the date of contact and "Edward F. Deegan" as the title/file on which the informant was contacted. This document states:

> 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."
>
> This information has been disseminated by SA DONALD V. SHANNON to Capt. ROBERT RENFREW (NA) of the Chelsea, Mass. PD.

Document 3 is from SAC, Boston to Director, F.B.I. (then J. Edgar Hoover). It begins by summarizing much of the information contained in the March 1965 Memoranda.[11] It then states:

---

[11] The document states:

> 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. 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" DEEGAN. Shortly thereafter the Chelsea PD found the body of DEEGAN 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

> 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.
>
> [What appears to be two paragraphs of text is redacted here].
>
> Informant also advises that [redacted] had given the "OK" to JOE BARBOZA and "JIMMY" FLEMMI to kill [redacted] who was killed approximately one month ago.

Following this is an additional page which states that it "is being deleted in its entirety for codes: F, B."

Document 4 is from "correlator" to SAC, Boston, regarding Vincent James Flemmi. It is a lengthy, heavily redacted document and need not be quoted in its entirety. Relevant portions state:[12]

> Boston airtel to Director, FBI dated 10/23/64 captioned [redacted]
> [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.
>
> Boston airtel to Director, FBI dated 10/19/64 captioned [redacted].
> [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

---

necessary information to prosecute the persons responsible.

[12] The document contains what appears to be a form of document code numbers, which I omit.

leaving his fingerprints in the car in which [redacted] was murdered.

....

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].

....

Memo. of H. Paul Rico to SAC, Boston 10/8/64 and captioned: [redacted]
Informant advised 10/5/64, that he is friendly with the FLEMMI's, but VINCENT FLEMMI is an extremely dangerous individual....Informant also advised that he suspects that FLEMMI had committed several murders....Informant advised that [several lines redacted] and "JIMMY" FLEMMI wanted to be considered the "best hit man" in the area.

....

Boston airtel to Director, FBI & SACS Las Vegas, Phoenix 1/7/65 captioned: [redacted]
A review of information furnished by [redacted] on 1/4/65 reflected that Ronald Cassessa, JAMES FLEMMI, [redacted] contacted Patriarca. Cassessa told Patriarca that "that thing was straightened out." (Informant did not know what it pertained to.)

....

[Document identifying data redacted].
Gennaro J. Angiulo and Peter Limone contacted Patriarca. Angiulo stated that Larry Baione, Boston hoodlum, had contacted him when he (Baione) was released from prison concerning the loan shark business of [redacted].

Patriarca advised that [redacted] and JAMES FLEMMI, both of Boston, contacted him. This contact was arranged by Ronnie Cassessa, and Angiulo had knowledge of same.

Patriarca stated that the word was that "we" (meaning Patriarca and his group) wanted FLEMMI and [redacted] for something and consequently they both arranged the meet. [Paragraph redacted]

....

According to Angiulo, [redacted] told Peter Limone that JIMMY FLEMMI had told [redacted], "Don't worry about [redacted]," (indicating that he knew [redacted] was going to get hit.).

Boston Airtel to Director, 3/10/65 entitled: [redacted]
[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".

....

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 [redacted.] 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 [redacted] was not the same as Jerry Angiulo's.

Boston's Airtel to Director and SACS Albany, Buffalo, Miami 3/12/65 captioned: [redacted].
{Redacted} 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" [redacted] who is friendly with [redacted].

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.

.....

Memo. of [redacted] 4/6/65 captioned: [redacted]

....

PCI stated that JIMMY FLEMMA had gone to Providence just before Teddy Deegan was slain in Chelsea.

Document 5 is from SAC, Boston to Director, F.B.I. and reports on the status of efforts to develop Vincent James Flemmi as an informant for the F.B.I. Much of this document is illegible, but it provides in relevant part:

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 [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.

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.

## DISCUSSION

Massachusetts Rule of Criminal Procedure 30(b) provides that a motion for a new trial may be granted "at any time if it appears that justice may not have been done." Grounds for a new trial include newly discovered evidence and failure to disclose exculpatory evidence. Among the grounds Limone now asserts in support of his motion for a new trial is newly discovered exculpatory evidence.[13]

Limone's claim that the government improperly failed to disclose exculpatory evidence fits into a number of analytical boxes, with differing standards. On the one hand, it can be analyzed as a typical claim for a new trial based on newly discovered evidence. *Commonwealth* v. *Tucceri*, 412 Mass. 401, 408-09 (1992). Such a motion based on newly discovered evidence may be made without regard to whether that evidence was improperly withheld by the government. *Id.*; *Commonwealth* v. *Grace*, 397 Mass. 303, 305 (1986). Limone's claim can also be analyzed as a claim that there was a violation of *Brady* v. *Maryland*, 373 U.S. 83 (1963), because a *Brady* claim may be made in the context of a claim regarding newly discovered evidence. *Tucceri*, 412 Mass. 408-09. A *Brady* claim may also, however, be made even if the undisclosed evidence is not "newly" discovered. *Id.* at 409. In ruling on the pending motion, I address Limone's claim only on the newly discovered evidence ground and do not address his claim in the context of *Brady*.

### I. Newly Discovered Evidence

A defendant seeking a new trial on grounds of newly discovered evidence must establish

[13] Limone has presented numerous other grounds. I decide his motion based only on the newly discovered exculpatory evidence. I do not reach the other grounds Limone asserts.

both that the evidence is newly discovered and that it casts "real doubt" on the justice of the conviction. *Commonwealth* v. *LeFave*, 430 Mass. 169, 176 (1999). Limone has satisfied both parts of that standard. Evidence is newly discovered when it was unavailable at the time of trial and could not have been, with reasonable diligence, discovered at trial or at the time of a prior motion for a new trial. *Id.*; *Commonwealth* v. *Moore*, 408 Mass. 117, 126 (1990); *Grace*, 397 Mass. at 306. The Commonwealth concedes that these documents are "newly" discovered.[14] The evidence "not only must be material and credible...but also must carry a measure of strength in support of the defendant's position." *Commonwealth* v. *Scanlon*, 412 Mass. 664, 680 (1992), quoting *Grace*, 397 Mass. at 305-06. Thus, if the newly discovered evidence is cumulative of evidence admitted at trial, it tends to carry less weight than evidence that is different in kind. *Scanlon*, 397 Mass. at 680. "Moreover, the judge must find there is a substantial risk that the jury would have reached a different conclusion had the evidence been admitted at trial."[15]

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[14] There is no credible evidence before me that the Suffolk District Attorney's office had actual possession of the F.B.I. documents or of the information contained therein before those documents were produced by the Justice Task Force on December 19, 2000.

[15] The Commonwealth argues that the proper standard in this regard for the trial court is whether there is a "substantial likelihood of a miscarriage of justice." That argument is based on *Commonwealth* v. *Simmons*, 417 Mass. 60, 73 (1994). In *Simmons*, the procedural posture of the case was such that the Court decided the defendant's (1) direct appeal from his conviction for murder in the first degree, (2) appeal from the denial of his motion for a new trial filed in and decided by the Superior Court and (3) appeal from the denial of his second motion for a new trial filed with an decided by a single justice of the Supreme Judicial Court. *Simmons*, 417 Mass. at 61. There, the Court held that "[w]here the prosecution denies the defendant exculpatory evidence but the defendant has not requested it or has made only a general request, *this court* will order a new trial or reduction of the verdict whenever the court concludes that there has been a substantial likelihood of a miscarriage of justice." *Id.* at 73 (emphasis added). The Court's decision was based on G.L. c. 278, § 33E. *Commonwealth* v. *Tucceri*, 412 Mass. 401, 412-13 (1992), which articulated the standard to govern motions for a new trial where the prosecution improperly failed to deliver exculpatory evidence to a defendant, involved a defendant who was not convicted of first degree murder. That case was before the Court on an appeal from the allowance of the defendant's motion for a new trial by the Superior Court; that appears to have been the defendant's first motion for a new trial and first appeal, although it was filed years after his conviction. *Id.* In *Tucceri*, the Court held that when the defendant has made no request or only a general request for exculpatory evidence, the standard for the trial court is "whether there is a substantial risk that the jury would have reached a different conclusion." *Tucceri*, 412 Mass. at 413. *Tucceri* cited *Grace*, 397 Mass. at 306, which also used the language *Tucceri* used. *Grace* involved the motion for a new

*Grace*, 397 Mass. at 306. Where, as here, I was not the trial judge, I must carefully scrutinize the trial record to determine fairly whether newly discovered evidence demonstrates that justice may not have been done. *Commonwealth* v. *Hill*, 432 Mass. 704, 710 (2000); *Commonwealth* v. *Leaster*, 395 Mass. 96, 101 (1985). I have conducted that review by reading the entire trial transcript and held several hearings.[16]

Here, the jury would likely have reached a different conclusion by this previously undisclosed evidence for two principal reasons. First, the new evidence 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 F.B.I. informant around the time of the murder.

Turning first to the Barboza issue, Barboza was a "vital, principal prosecution witness at trial." *Commonwealth* v. *Cassesso*, 360 Mass. 570, 572 (1971). In effect, "the principal issue before the jury was one of [Barboza's] credibility."[17] *Commonwealth* v. *French*, 357 Mass. 356, 397 (1970). Barboza, as noted, was the only government witness implicating Limone. If

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trial of a defendant convicted of murder in the first degree. *Grace*, 397 Mass. at 304. That motion, which did not involve exculpatory evidence allegedly withheld by the government, was filed in the Superior Court years after the defendant's conviction was affirmed by the Supreme Judicial Court. The upshot of this discussion is that it appears that it is the *Tucceri* "substantial risk" standard that governs Limone's present motion for a new trial, rather than the *Simmons* "substantial likelihood of a miscarriage of justice" standard. This is so because this case is in a procedural position similar to *Grace*, and is not part of an appeal to the Supreme Judicial Court under G.L. c. 278, § 33E, as was *Simmons*. See *Commonwealth* v. *Wright*, 411 Mass. 678, 681 (1992) (standard of review by Supreme Judicial Court of unpreserved claim of error in context of claim of ineffective assistance of counsel is "substantial likelihood of a miscarriage of justice"). This was the standard used in *Commonwealth* v. *Salvati*, 420 Mass. 499, 506 (1995). That said, however, which of these standards applies is not determinative of the issues I now consider. As I note below, see *infra* note 20, I conclude that the newly discovered evidence creates a substantial likelihood of a miscarriage of justice as well as a substantial risk that the jury would have reached a different conclusion vis-à-vis Limone.

[16] I did not review the transcript of the lengthy jury empanelment.

[17] Barboza was a "highly vulnerable" witness in another case. See *Patriarca* v. *United States*, 402 F.2d 314 (1st Cir. 1968) (where Barboza testified against defendants Patriarca as well as Cassesso and Tameleo).

Limone had had information that Patriarca set up the murder and not Limone, and that Flemmi was an F.B.I. informant, it is highly likely that the defense theory that the F.B.I. was manipulating Barboza's testimony could have been buttressed. Moreover, the newly disclosed evidence about Vincent James Flemmi would have provided Limone considerable opportunity to challenge Barboza's testimony as to Flemmi. Barboza calls Flemmi his "partner" during March of 1965, the time of the Deegan murder. Trial Transcript (hereafter the "Transcript") Vol. 34, pp. 4160-61. Barboza testified that Flemmi was at the Ebb Tide on the night of the murder. Transcript Vol. 34, p. 4167; *id.* at Vol. 35, p. 4431. But Barboza denies that Flemmi left the Ebb Tide with Barboza and the others on the night of the murder. Transcript Vol. 34, p. 4172.

In addition, the newly discovered evidence is consistent with other evidence Limone has previously submitted to the court in his prior new trial motions. For example, in an affidavit submitted in 1970, Barboza stated that he is "free from duress or coercion" and wishes "to recant certain portions of...[his] testimony...[concerning] the involvement of Henry Tameleo, Peter J. Limone, Joseph L. Salvati and Lewis Grieco in the killing of Teddy Deegan." *Cassesso*, 360 Mass. at 573. He further stated that the testimony he was offering "to give concerning the killing of...Deegan and those individuals responsible for his death will be the whole truth known to" him. *Id.* See also *id.* at 574-75 (detailing affidavit of counsel for Limone). The Supreme Judicial Court observed that this affidavit was deficient in a number of respects, but left it open to Limone and his codefendants to renew their new trial motion if they could expand on Barboza's affidavit. *Id.* at 573, 579. In an affidavit dated April 9, 1976 and submitted in 1990, Gerald Alch, Esq. states that he and Barboza had several conversations in July and August 1970

at the Massachusetts Correctional Institute in Walpole to discuss Barboza's trial testimony. Alch states that Barboza told him that "any testimony [Barboza] had given in the trial of the Deegan case which in any way implicated Peter Limone was false; that Mr. Limone was neither present at the time of the commission of said crime, nor had any knowledge thereof and was in no way involved under any circumstances which could classify him as an accessory before or after the fact." Barboza states that he was motivated at trial by his belief that implicating Limone in the murder would help him (Barboza) obtain a new identity, relocation and financial assistance from law enforcement officials.[18] He also claimed that the prosecution promised him post-trial protection. Because the promises made to him had not been kept, Barboza "felt no longer obligated to adhere to his false implication of Limone." Mem. of Decision of Dolan, J., dated Feb 13, 1990, at 9.

For these reasons, I find and rule that the F.B.I. documents are newly discovered evidence which, as both the Commonwealth and Limone state, cast "real doubt" on the justice of Limone's convictions. They are material[19] and carry a measure of strength in support of Limone's position. Thus, I find and rule that there is a substantial likelihood that the jury would have reached a different conclusion had this evidence been available at trial.[20] Accordingly, I allow the motions for a new trial and I also allow the Commonwealth's motion to vacate the convictions.

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[18] Barboza had been placed in protective custody by Federal officials before trial of this case. Transcript, Vol. 42, p. 5810.

[19] I make no finding, of course, as to the *accuracy* of the information set forth in the F.B.I. documents.

[20] I also find that the newly discovered evidence satisfies the higher standard of *Simmons*, 417 Mass. 60. The newly discovered F.B.I. documents create a substantial likelihood of a miscarriage of justice.

**II. BAIL**

Also before me are motions of the defendant and the Commonwealth to admit Limone to bail. After a bail hearing and consultation with the Department of Probation, I allowed the defendant's request (which the Commonwealth did not oppose) that Limone be released on personal recognizance subject to strict conditions detailed on the record. I did so having considered the factors enumerated in G.L. c. 276, § 58 on the basis of the information before me. That information showed, among other factors, the following:

Limone is now about 65 years old. His wife, Olympia Limone, still resides in the same house in Malden, Mass. where she and Limone lived before Limone was incarcerated; she and their children have maintained contact with Limone throughout his incarceration and Limone will reside with them now. Limone has also maintained contact with his immediate and extended family during his incarceration.

I also note that the materials provided me at today's bail hearing include a commendation letter from the Superintendent of M.C.I. Norfolk to Limone. This letter expresses appreciation to Limone for his participation in resolving a hostage situation at M.C.I. Norfolk on March 6, 1975, where two correctional officers were taken hostage and later shot. The letter also states that Limone helped to resolve the situation by negotiating personally with the hostage takers. Among the other factors I take into consideration is that Limone successfully completed approximately 170 furloughs before that program was eliminated. I also take into consideration that the Commonwealth states it is not now in a position to decide whether it will prosecute Limone again on the pending indictments.

**ORDER**

For the foregoing reasons, the motion for a new trial of Peter J. Limone is **ALLOWED**; the Commonwealth's motion to vacate defendant's convictions, grant a new trial and admit Limone to bail is also **ALLOWED**.

Margaret R. Hinkle
Justice of the Superior Court

DATED: January 5, 2001

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*

Received DEC 18 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.

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 (617) 854-1500 (Justice Task Force, 18 Tremont Street, Suite 300, Boston, MA 021308), or (203) 821-3700 (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

**AFFIDAVIT**

I, Francis (Frank) Imbruglia, being duly sworn, depose and state, as follows:

1. I am the same Francis (Frank) Imbruglia referred to in the police reports made regarding the investigation of the murder of Teddy Deegan, to wit, the Evans report, the Cass report, dated March 15, 1965, and the District Attorney report, dated November 27, 1967, attached to the motion for new trial on behalf of Peter Limone.

2. I am stating under oath and of my own personal knowledge that Peter Limone, Henry Tameleo, and Louie Greco had nothing to do with, in any shape or manner, in the decision to murder, the planning of the murder, the payment for the murder, and the commission of the murder of Teddy Deegan.

3. As far as I know there was no payment for the murder of Deegan, because Deegan had continuously bothered Richard Castucci, the owner of the Ebbtide, and was shaking him down for money. Castucci told Cassesso, and Cassesso said, in my presence, "We're going to clip him." There was never any mention of Tameleo, Greco, or Limone.

4. I do not wish to make any further statements at this time.

Subscribed and sworn to, under the pains and penalties of perjury, this 27 July, 2000.

001061

EXHIBIT

921

Before me, notary public

August 30, 2000

John Cavicchi
Attorney at Law
25 Barnes Avenue
East Boston, MA 02128

Dear John:

Thanks for the papers to refresh my memory. In fact; my Affidavit was right on the money with the exception of Joseph Salvati. Also; it appears that you were present in a legal capacity as "notary public" and I never made the connection after all these years, but for the fact that I just had examined the "affidavit" of Louie Greco for the first-time, also.

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 in the "shooting death of "Teddy Deegan". I did not get any money for shooting "Deegan"...

Relevant to the issue of a conflict of interest, I have no record of hiring Attorney Joseph Balliro, prior to my trial nor subsequent to my trial. If, he delegated my legal rights to an independent appellate lawyer, it had to be free of charge as I was indigent at that time. Furthermore; I signed no release to that effect and no "effective" appeal issues were raised on my behalf, specifically, in conjunction with the newly discovered evidence obtained from the United States Department of Justice dated "4/6/65", compiled by the FBI that were mailed to me at MCI-Norfolk from the FBI Office in Boston during November 1998...30 years after my conviction?...Brady v Maryland, (1963), Com v Tucceri, 412 Mass 401 and 589 NE 2d 1216, 1217 at 1224; on undisclosed evidence & absent evidence by JUSTICE WILKINS, see also the latest USSC decision in Williams v Taylor, 120 S.Ct. (2000)...counsel "failed" to obtain mitigating evidence.

My testimony at trial is the truth to the best of my vision on March 12, 1965, during the tremendous abnormal strain to survive "Barboza-Baron's plot to kill "Deegan & Stathopoulos" because of the belief that they were responsible for the savage killing of Anthony Sacramone. I do not know of any money contract to kill "Deegan".

I never saw Louie Greco's "affidavit", but, note "1" states what I have previously repeated as a matter of fact, that, was never developed at trial and was a major GROUNDS for ineffective trial counsel...to truly defeat the testimony of Tony Stathopoulos...also note "12" affirms what was an obvious fact to everyone that had ever met personally with Louie Greco or had seen Louie Greco from some viewing distance and was told that, that is Louie Greco walking with a LIMP. His name should be cleared, his family has a legal interest for it to be cleared...there is enough evidence to support that any stride of walking or slowly running or hurriedly walking, was an impossibility to perform by Louie Greco; without: LIMPING. . .with the polygraph evidence and other type of scientific proof...such as "evidence accumulated by the Florida attorney"..."not presented at trial." Louie may have been convicted for Fitzgerald's test[illegible] after the fact. NOT THE TRUTH...

BEFORE.

God Bless and best wishes to your client... Wilfred Roy French

Wilfred Roy French

EXHIBIT
922

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:

[We] 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

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[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 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

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| UNITED STATES OF AMERICA | ) | Crim. No. 99-10371-RGS |
| | ) | |
| v. | ) | Violations: |
| | ) | 18 U.S.C. ~~§ 1962~~(d) |
| KEVIN P. O'NEIL, | ) | 18 U.S.C. § 1962(c) |
| JAMES J. BULGER, and | ) | 18 U.S.C. § 1963 |
| STEPHEN J. FLEMMI, | ) | 18 U.S.C. § 1956(a)(1) |
| | ) | 18 U.S.C. § 1956(h) |
| Defendants. | ) | 18 U.S.C. § 1957 |
| | ) | 18 U.S.C. § 1951 |
| | ) | 18 U.S.C. § 1503 |
| | ) | 18 U.S.C. § 894 |
| | ) | 26 U.S.C. § 5841 |
| | ) | 26 U.S.C. § 5845(a) |
| | ) | 26 U.S.C. § 5861(d) |
| | ) | 26 U.S.C. § 5871 |
| | ) | 18 U.S.C. § 2 |

SUPERSEDING INDICTMENT

THE UNITED STATES GRAND JURY in and for the District of Massachusetts charges that:

COUNT ONE
(Racketeering Conspiracy)

THE ENTERPRISE

1. From in or before 1972 and continuing until in or about 1999, within the District of Massachusetts and elsewhere, the defendants **JAMES J. BULGER**, also known as "Whitey," "Jim," and "Jimmy," **STEPHEN J. FLEMMI**, also known as "Stevie," and **KEVIN P. O'NEIL**, and others known and unknown to the grand jury, were members and associates of a criminal organization known by various names such as "Winter Hill," "the Hill," "the Winter Hill Gang," and "South Boston" (hereinafter the "Bulger Group") whose members and associates associated together and with others for



the purpose of, among other things, earning money through extortion, loansharking, bookmaking, trafficking in narcotics and other controlled substances, and committing crimes of violence including murder, attempted murder, and assault.

2. The Bulger Group, including its leadership, membership, and associates, constituted an "enterprise" as defined by Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, which engaged in, and the activities of which affected, interstate and foreign commerce. The Bulger Group affected interstate and foreign commerce by, among other things, the sale of narcotics and other controlled substances in Massachusetts and elsewhere that had been brought into Massachusetts from places outside thereof, the extortion of individuals and entities whose activities affected interstate commerce, the control and operation of businesses affecting interstate commerce, the use of financial institutions affecting interstate commerce, and travel in interstate commerce.

3. At various times during the period covered by this Superseding Indictment, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** were the leaders of the Bulger Group. At various times during the period covered by this Superseding Indictment, the defendant **KEVIN P. O'NEIL** was a member of the Bulger Group who engaged in criminal activities, including

Avenue, and the Rotary Variety Store located within 309-325 Old Colony Avenue. These transactions were designed to facilitate the control of, and acquisition of income from, those assets by members of the Bulger Group, while disguising their true relationships to those assets and that the assets had been obtained, maintained, and operated through extortion and with the proceeds of extortion and other racketeering activities.

12. To further their goals of earning money and gaining prestige within the Bulger Group, as well as to protect members of the Bulger Group, to preserve and enhance the reputation and position of the Bulger Group with respect to others, and to foster and maintain the Bulger Group's relationships with others, members and associates of the Bulger Group engaged in the threatened and actual use of violence, including assault, attempted murder and murder. These activities included, but were not limited to, the following:

a. In or about and between March 1973 and February 1974, at various locations in the District of Massachusetts and elsewhere, members and associates of the Bulger Group including **JAMES J. BULGER**, John V. Martorano, Joseph M. McDonald, James L. Sims, and others known and unknown to the grand jury, assaulted and murdered the following individuals in connection with a dispute with members of a rival group led by Al Notorangeli:

(1) Michael Milano - murdered on March 8, 1973;

(2) Dianne Sussman - shot on March 8, 1973;

(3) Louis Lapiana - shot on March 8, 1973;

(4) Al Plummer - murdered on March 19, 1973;

(5) Hugh Shields - shot on March 19, 1973;

(6) Frank Capizzi - shot on March 19, 1973;

(7) William O'Brien - murdered on March 24, 1973;

(8) Ralph DiMasi - shot on March 24, 1973;

(9) James Leary - murdered on April 3, 1973;

(10) Joseph Notorangeli - murdered on April 18, 1973; and

(11) Al Notorangeli - murdered on February 21, 1974.

b. On or about December 1, 1973, in the vicinity of Dorchester, Massachusetts, the defendant **JAMES J. BULGER**, John V. Martorano, Joseph M. McDonald, and others known and unknown to the grand jury, murdered James O'Toole, a former associate of the Charlestown-based McLaughlin Gang and an enemy of members and associates of the Bulger Group.

c. In or about October 1974, in the vicinity of Somerville, Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, Joseph M. McDonald, and others known and unknown to the grand jury, murdered James Sousa, a criminal associate who was involved in a botched robbery with other members and associates of the Bulger Group, after he was

arrested and charged in connection with that robbery because he was believed to be a potential witness against and liability to members of the Bulger Group.

d. In or about November 1974, in the vicinity of South Boston, Massachusetts, the defendant **JAMES J. BULGER**, and others known and unknown to the grand jury, murdered Paul McGonagle, who had been a member of the Mullins Gang and an opponent of **BULGER** during the battle for control of South Boston among rival criminal groups, and thereafter buried his remains in the vicinity of Tenean Beach, Dorchester, Massachusetts.

e. On or about June 12, 1975, in the vicinity of Dorchester, Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, and others known and unknown to the grand jury, murdered Edward Connors, a person who had knowledge of the participation of members of the Bulger Group in the murder of James O'Toole.

f. On or about November 5, 1975, in the vicinity of South Boston, Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, and others known and unknown to the grand jury, murdered Thomas King, a member of the Bulger Group who was viewed as a threat to **BULGER** and other members of the organization, and thereafter buried his remains in the vicinity of the Neponset River, Quincy, Massachusetts.

g. On or about November 6, 1975, in the vicinity of South Boston, Massachusetts, the defendant **JAMES J. BULGER**, and others known and unknown to the grand jury, murdered Francis "Buddy" Leonard, in an effort to divert attention from the disappearance of Thomas King.

h. In or before May 1981, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, Joseph M. McDonald, John B. Callahan, and others known and unknown to the grand jury, conspired to murder Roger Wheeler, the owner of a business known as World Jai Alai. On or about May 27, 1981, in the vicinity of the Southern Hills Country Club, Tulsa, Oklahoma, John V. Martorano and Joseph M. McDonald murdered Roger Wheeler.

i. In or about late 1981, in the vicinity of South Boston, Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** murdered Debra Davis, a girlfriend of **FLEMMI** whom **BULGER** and **FLEMMI** viewed as posing a threat to **FLEMMI**.

j. In or about July 1983, in the vicinity of South Boston, Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, Kevin J. Weeks, and others known and unknown to the grand jury, kidnaped, extorted, and murdered Arthur "Bucky" Barrett.

k. In or about early 1985, in the vicinity of South Boston, Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** murdered Deborah Hussey, who was the step-daughter of

FLEMMI and whom BULGER and FLEMMI viewed as posing a threat to FLEMMI.

13. In preparation for and in furtherance of their commission of crimes of violence, members and associates of the Bulger Group acquired and maintained firearms of various types and calibers, including handguns, rifles, automatic weapons, and shotguns, ammunition of various types and calibers, explosive devices and materials, and other weapons. Such weapons and ammunition were secreted at times in hidden locations and in large stockpiles. Such locations included, but were not limited to, a hidden location at the residence of George Kaufman in Brookline, Massachusetts and a hidden compartment in the interior wall of a detached structure in the rear yard of 832 East Third Street, South Boston, Massachusetts, which was the residence at times of the defendant STEPHEN J. FLEMMI and his parents.

14. As a means of preserving and protecting the enterprise and its leadership from prosecution, members and associates of the Bulger Group engaged in activities designed to hinder and obstruct the administration of justice. These activities included, but were not limited to, the following:

a. Members and associates of the Bulger Group used and threatened to use violence, including murder, against actual and potential witnesses with knowledge of the criminal activities

of the Bulger Group. These activities included, but were not limited to, the following:

(1) In or about December 1976, members and associates of the Bulger Group learned that Richard Castucci was providing information to agents of the Federal Bureau of Investigation regarding the whereabouts of fugitives Joseph M. McDonald and James L. Sims. On or about December 30, 1976, in the vicinity of Somerville, Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, John V. Martorano, and others known and unknown to the grand jury, murdered Richard Castucci.

(2) In or about May 1982, members and associates of the Bulger Group learned that Brian Halloran was providing information to agents of the Federal Bureau of Investigation regarding, among other things, the involvement of the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** and John V. Martorano in the murder of Roger Wheeler, and the involvement of **BULGER** and others in the murder of Louis Litif. On or about May 11, 1982, in the vicinity of Northern Avenue, South Boston, Massachusetts, **BULGER**, Kevin J. Weeks, and others known and unknown to the grand jury, murdered Brian Halloran and Michael Donahue, who was riding in an automobile with Halloran at the time Halloran was murdered.

(3) In or about July 1982, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI** learned that investigative efforts relating to the murder of Roger Wheeler were being

directed towards John B. Callahan, former president of World Jai Alai.. Concerned that Callahan might implicate **BULGER** and **FLEMMI** in the murder of Wheeler, **BULGER** and **FLEMMI** agreed with John V. Martorano to murder Callahan. On or about August 1, 1982, in the vicinity of Ft. Lauderdale, Florida, John V. Martorano and Joseph M. McDonald murdered John Callahan.

(4) In or about October and November 1984, members and associates of the Bulger Group learned that John McIntyre was cooperating with law enforcement officials including agents of the Federal Bureau of Investigation and the United States Customs Service concerning illegal activities of the Bulger Group. These illegal activities included the illegal shipment of arms and ammunition aboard the fishing trawler Valhalla to elements of the Irish Republican Army in Ireland in September of 1984 and the illegal distribution of drugs by members and associates of the Bulger Group, including the importation of approximately thirty-six tons of marihuana into Boston Harbor on board the vessel Ramsland, which had been seized by federal authorities on or about November 14, 1984. On or about November 30, 1984, in the vicinity of South Boston, Massachusetts, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, Kevin J. Weeks, and others known and unknown to the grand jury, kidnaped and murdered John McIntyre.

(5) In order to evade detection for the murders of Arthur "Bucky" Barrett, John McIntyre, and Deborah Hussey, the defendants **JAMES J. BULGER** and **STEPHEN J. FLEMMI**, Kevin J. Weeks, and other members and associates of the Bulger Group, buried the remains of these three persons in the basement of a private home located in South Boston, Massachusetts. In or about October 1985, **BULGER**, **FLEMMI**, Weeks, and others, having learned of the impending sale of that residence, exhumed the remains of these three persons and buried those remains in a common grave which they prepared in the vicinity of 55 Hallett Street, Dorchester, Massachusetts.

b. Members and associates of the Bulger Group attempted to monitor the activities of grand juries investigating the Bulger Group and to improperly influence the testimony of witnesses called before those grand juries, as well as to improperly influence courts conducting proceedings related to members and associates of the Bulger Group. For example, in or about late 1993, the defendant **STEPHEN J. FLEMMI** attempted to prevent the potential testimony of Richard O'Brien. In or about and between August and November 1995, **FLEMMI** improperly influenced the grand jury testimony of Richard O'Brien. In or about 1997 and 1998, Kevin J. Weeks met with and passed information between the defendant **STEPHEN J. FLEMMI** and John J. Connolly as part of an effort by **FLEMMI**, Connolly, and others to

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

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|---|---|---|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 99-10428 - JLT |
| v. | : | Racketeering<br>(18 U.S.C. §1962(c)) |
| JOHN J. CONNOLLY, JR. and<br>STEPHEN FLEMMI | : | Racketeering Conspiracy<br>(18 U.S.C. §1962(d)) |
| | : | Conspiracy to Obstruct Justice<br>(18 U.S.C. §371) |
| | : | Obstruction of Justice<br>(18 U.S.C. §§1503, 1512) |
| | : | False Statement<br>(18 U.S.C. §1001) |

SUPERSEDING INDICTMENT

The Grand Jury charges:

COUNT ONE - Racketeering
(John J. Connolly, Jr.)

GENERAL ALLEGATIONS

1. From November 1968 to December 1990, the defendant JOHN J. CONNOLLY JR. ("CONNOLLY") was a Special Agent of the Federal Bureau of Investigation ("FBI"). From February 1973 until his retirement in December 1990, CONNOLLY was assigned to the Boston Field Office of the FBI.

2. At all times material to this Indictment, the "Winter Hill Gang" was a clandestine



criminal organization that engaged in multiple crimes, including murder, bribery, extortion, loan sharking, and illegal gambling in the greater Boston, Massachusetts area.

3. At all times material to this Indictment, James Bulger ("Bulger"), also known as "Whitey," was a member of the Winter Hill Gang.

4. At all times material to this Indictment, Stephen Flemmi ("Flemmi") also was a member of the "Winter Hill Gang."

5. At all times material to this Indictment, "La Cosa Nostra," commonly referred to as "the Mafia," was a nationwide clandestine criminal organization that also engaged in crimes including extortion, loansharking, and illegal gambling in the greater Boston area.

6. Although the Winter Hill Gang and La Cosa Nostra frequently competed for the same criminal turf in greater Boston, at other times material to this indictment members of the two groups also jointly engaged in various criminal activities.

7. In or about 1988, Francis P. Salemme, not a defendant herein, was a soldier in the New England family of La Cosa Nostra. In about 1991 Salemme became the boss of the New England family.

8. From 1970 until in or about December 1995, John Morris, who is not a defendant herein, was an FBI Special Agent. From approximately March 1972 until approximately November 1991, John Morris was assigned to the FBI's Boston Field Office. For much of that time, John Morris was a Supervisory Special Agent and, between December 1977 and January 1983, was the direct supervisor of CONNOLLY on the FBI's organized crime squad, which primarily investigated La Cosa Nostra.

9. In or about September 1975, CONNOLLY officially opened James Bulger as a

confidential informant for the FBI

10. In or about September 1980, CONNOLLY officially re-opened Stephen Flemmi as a confidential informant for the FBI.

11. At all times material to this Indictment, during the period of time when Bulger and Flemmi were FBI informants, CONNOLLY was the FBI contact agent assigned to receive and report their information.

THE RACKETEERING ENTERPRISE

12. At all times material to this Indictment, in the District of Massachusetts and elsewhere, CONNOLLY, James Bulger, Stephen Flemmi, and others known and unknown to the Grand Jury, who are not charged in this indictment, were members and associates of an enterprise ("the Enterprise") as defined in Title 18, United States Code, Section 1961(4), that is, a group of individuals associated in fact, the activities of which affected interstate and foreign commerce.

PURPOSE OF THE ENTERPRISE

13. The Enterprise, through its members and associates, acted to protect James Bulger, Stephen Flemmi and their associates, including Francis P. Salemme and those in the Winter Hill Gang, from arrest and prosecution for criminal activities including murder, loan sharking, illegal gambling, extortion, obstruction of justice, and bribery; and it acted to facilitate those criminal activities of Bulger, Flemmi, and their associates.

MANNER AND MEANS

14. From approximately 1976 through 1994, CONNOLLY both received bribes from Stephen Flemmi and James Bulger, and with Stephen Flemmi and James Bulger paid a series of bribes to former Supervisory Special Agent John Morris. CONNOLLY and John Morris were thereby influenced to provide to Bulger and Flemmi sensitive and confidential law enforcement information designed to protect the criminal activities of Bulger, Flemmi, and, at times, their criminal associates.

15. From at least 1976 through December 1990, while he served as a Special Agent of the FBI, CONNOLLY, using confidential information that he received from Supervisory Special Agent John Morris and from other FBI and law enforcement sources, tipped Bulger and Flemmi to various law enforcement initiatives in order to protect their ongoing criminal activities.

16. From at least 1976 through December 1990, while he served as a Special Agent of the FBI, CONNOLLY, using confidential information that he received from FBI and other law enforcement sources, alerted Bulger and Flemmi to the identity of confidential law enforcement informants in order to protect Bulger's and Flemmi's ongoing criminal activities.

17. From about 1976 until his retirement from the FBI in December 1990, in order to protect Bulger and Flemmi from prosecution and to further their criminal activities, CONNOLLY knowingly omitted material information from official FBI documents regarding Bulger and Flemmi.

18. From at least 1976 until his retirement from the FBI in December 1990, in order to protect Bulger and Flemmi from prosecution and to further their criminal activities, CONNOLLY, in knowing and willful violation of his responsibilities as an FBI agent,

endeavored to preserve Bulger's and Flemmi's status as confidential informants by failing to report information relating to Bulger and Flemmi which was material to the investigation of criminal activity in the Boston area.

19. Following his retirement from the FBI in December 1990, CONNOLLY maintained associations at the Boston Field Office of the FBI in order, in part, to obtain law enforcement information related to the criminal activities of Bulger, Flemmi, and others. CONNOLLY used information obtained from FBI and other law enforcement sources to alert and apprise Bulger and Flemmi and their associates of law enforcement investigations into their criminal activities.

OBJECT OF THE ENTERPRISE

20. It was the object of the Enterprise to protect and foster the criminal activities of Bulger, Flemmi and their associates by (1) providing Bulger and Flemmi with confidential law enforcement information regarding Grand Jury investigations, court-authorized electronic surveillance, and other investigative efforts; (2) deflecting and squelching prosecutions and criminal investigations of their crimes; and (3) improperly preserving their status as FBI informants through the filing of misleading official reports and by failing to report information relating to Bulger and Flemmi which was material to the investigation of criminal activity.

THE RACKETEERING VIOLATION

21. From in or about September 1975 to in or about September 1998, in the District of Massachusetts and elsewhere, CONNOLLY, together with others known and unknown to the Grand Jury, being a person employed by and associated with the above-described Enterprise, which was engaged in, and the activities of which affected, interstate and foreign commerce, unlawfully and knowingly conducted and participated, directly and indirectly, in the conduct of

affairs of the Enterprise through a pattern of racketeering activity, that is, the commission of Racketeering Acts One through Fourteen, as described below.

THE PATTERN OF RACKETEERING ACTIVITY

22. The pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and 1961(5), consisted of the following acts:

A. BRIBERY

**Racketeering Act #1**

23. In about June 1976, the exact date being unknown, in the District of Massachusetts, CONNOLLY, being a public official, corruptly received, accepted, and agreed to receive and accept from Bulger and Flemmi a thing of value, that being a diamond ring, in return for being induced to do and omit to do acts in violation of his official duty, specifically to divulge confidential and sensitive law enforcement information in order to protect Bulger's and Flemmi's ongoing criminal activities in violation of his official duty, in violation of Title 18, United States Code, Sections 201(c) (later re-codified as 201(b)) and 2.

**Racketeering Act #2**

24. Beginning in the latter part of 1981 or early 1982, the exact date being unknown, in the District of Massachusetts, CONNOLLY, Bulger and Flemmi did corruptly give a thing of value, that being a case of fine wine, to a public official, that being Supervisory Special Agent John Morris, to induce such public official to do and omit to do acts in violation of his official duty, specifically to divulge confidential and sensitive law enforcement information in order to protect Bulger's and Flemmi's ongoing criminal activities in violation of his official duty, in violation of Title 18, United States Code, Sections 201(b) and 2.

**Racketeering Act #3**

25. In or about June 1982, the exact date being unknown, in the District of Massachusetts, CONNOLLY, Bulger and Flemmi did corruptly give a thing of value, that being $1,000 in United States currency, to a public official, that being FBI Supervisory Special Agent John Morris, to induce that public official to do and omit to do acts in violation of his official duty, specifically to divulge confidential and sensitive law enforcement information in order to protect Bulger's and Flemmi's ongoing criminal activities in violation of his official duty, in violation of Title 18, United States Code, Sections 201(b) and 2.

**Racketeering Act #4**

26. Sometime in late 1982 or 1983, the exact date being unknown, in the District of Massachusetts, CONNOLLY, Bulger, and Flemmi did corruptly give a thing of value, that being a case of fine wine containing $1,000 in United States currency, to a public official, that being FBI Supervisory Special Agent John Morris, to induce that public official to do and omit to do acts in violation of his official duty, specifically to divulge confidential and sensitive law enforcement information in order to protect Bulger's and Flemmi's ongoing criminal activities in violation of his official duty, in violation of Title 18, United States Code, Sections 201(b) and 2.

**Racketeering Act #5**

27. Sometime in or about 1986 - 1987, the exact date being unknown, in the District of Massachusetts, CONNOLLY, Bulger and Flemmi did corruptly give a thing of value, that being $5,000 in United States currency, to a public official, that being FBI Supervisory Special Agent John Morris, to induce that public official to do and omit to do acts in violation of his official duty, specifically to divulge confidential and sensitive law enforcement information in order to

protect Bulger's and Flemmi's ongoing criminal activities in violation of his official duty, in violation of Title 18, United States Code, Sections 201(b) and 2.

B. INTERFERENCE WITH INTERSTATE COMMERCE BY EXTORTION

**Racketeering Act 6**

28. CONNOLLY committed the following acts, any one of which alone constitutes Racketeering Act 6:

**Racketeering Act #6A**

29. In or about December 1983, the exact date being unknown, Stephen Rakes and his wife, Julie Rakes, opened a liquor store at 295 Old Colony Avenue, South Boston, Massachusetts.

30. In or about January 1984, the exact date being unknown, Bulger, Flemmi and Kevin Weeks threatened Stephen Rakes with physical harm if he refused to convey the liquor store to them.

31. Shortly thereafter, Joseph Lundbohm, then a Boston police officer, approached CONNOLLY on behalf of the Rakes, to report the extortionate demands of Bulger and Flemmi.

32. In response to Joseph Lundbohm's report, CONNOLLY falsely told Lundbohm that unless Rakes agreed to wear a recording device in conversations with Bulger and Flemmi, the FBI was unlikely to take action on the complaint.

33. Stephen Rakes acceded to the extortionate demands of Bulger and Flemmi, and Stephen Rakes and Julie Rakes conveyed their interest in the liquor store to Kevin Weeks, who was acting on behalf of Bulger and Flemmi.

34. In violation of FBI regulations, and in a further effort to protect the extortionate activities of Bulger and Flemmi, CONNOLLY failed to report or to otherwise memorialize on any official FBI document the information that he had received from Joseph Lundbohm.

35. In or about January through May 1984, the exact date being unknown, in the District of Massachusetts, Bulger and Flemmi, aided and abetted by CONNOLLY, obstructed, delayed, and affected commerce by extortion, in violation of Title 18, United States Code, Sections 1951 and 2.

**Racketeering Act #6B**

36. The allegations contained in Paragraphs 29 through 34 of Racketeering Act 6A are realleged in this Racketeering Act and are incorporated by reference as if fully set forth.

37. In or about January through May 1984, the exact date being unknown, in the District of Massachusetts, Bulger and Flemmi, aided and abetted by CONNOLLY, conspired to obstruct, delay, and affect commerce by extortion, in violation of Title 18, United States Code, Sections 1951 and 2.

C. OBSTRUCTION OF JUSTICE AND WITNESS TAMPERING

**Racketeering Act #7**

38. On or about July 31, 1975, Joseph McDonald and James Sims, both members of the Winter Hill Gang were charged with crimes in a federal indictment in the District of Massachusetts. Joseph McDonald and James Sims became fugitives from that charge.

39. In 1976 Richard Castucci was a nightclub owner and bookmaker who associated with the Winter Hill Gang. At the behest of the Winter Hill Gang, Castucci subsequently assisted

McDonald and Sims in obtaining an apartment in the Greenwich Village section of New York City while they remained fugitives.

40. During that time, Richard Castucci also was a confidential informant of the FBI. In the latter part of 1976, Castucci began to provide the FBI with specific information regarding the whereabouts of McDonald and Sims.

41. In late 1976, in the District of Massachusetts, CONNOLLY did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in a case captioned United States v. Sims et al., Cr. No. 359G (D. Mass.), in the District of Massachusetts, by providing confidential law enforcement information to Bulger which alerted him to the fact that Richard Castucci was a confidential informant of the FBI, with intent to thwart the arrest and prosecution of Joseph McDonald and James Sims in United States v. Sims, Cr. No. 359G (D. Mass.), in violation of Title 18, United States Code, Sections 1503 and 2.

42. On or about December 29, 1976, as a result of being informed of Castucci's relationship with the FBI, members of the Winter Hill Gang murdered Richard Castucci to prevent the capture of Joseph McDonald and James Sims.

**Racketeering Act #8**

43. CONNOLLY committed the following acts, any one of which alone constitutes Racketeering Act #8.

**Racketeering Act #8A**

44. On May 27, 1981, Roger Wheeler was shot to death in the parking lot of the Southern Hills Country Club in Tulsa, Oklahoma.

45. Shortly thereafter, a Federal Grand Jury for the Northern District of Oklahoma began an investigation into the murder of Roger Wheeler.

46. In or about January 1982, Brian Halloran approached the FBI in Boston, Massachusetts and offered to cooperate in the investigation of the Roger Wheeler homicide.

47. Brian Halloran told FBI Agents Gerald Montaneri and Leo Brunnick that Bulger and Flemmi, along with John Callahan and John Martorano, not named as defendants herein, had caused Roger Wheeler to be murdered.

48. As a Supervisory Special Agent in the FBI's Boston Office, John Morris learned of the information that Brian Halloran had provided to Special Agents Montaneri and Brunnick.

49. John Morris told CONNOLLY that Halloran had implicated Bulger and Flemmi in the Roger Wheeler homicide.

50. In or about April 1982, the exact date being unknown, in the District of Massachusetts, CONNOLLY did corruptly endeavor to influence, obstruct, and impede the due administration of justice in a federal grand jury sitting in the Northern District of Oklahoma and investigating the murder of Roger Wheeler, by providing confidential law enforcement information to Bulger and Flemmi which alerted them to the fact that Brian Halloran had provided information about the murder of Roger Wheeler in Tulsa, Oklahoma on May 27, 1981, in order to prevent Halloran's further cooperation and testimony, in violation of Title 18, United States Code, Section 1503.

51. Bulger and others then caused Brian Halloran to be murdered in Boston, Massachusetts on May 11, 1982, in order to prevent his further cooperation with law enforcement authorities and to prevent his testimony before a federal grand jury investigating the

murder of Roger Wheeler.

**Racketeering Act #8B**

52. Paragraphs 44 through 49 and paragraph 51 of Racketeering Act #8A are realleged in this Racketeering Act and are incorporated by reference as if fully set forth.

53. In or about April 1982, the exact date being unknown, in the District of Massachusetts, CONNOLLY did wilfully endeavor by means of intimidation and force and threats thereof to obstruct, delay, and prevent the communication of information by Brian Halloran to a criminal investigator relating to a violation of a criminal statute of the United States, by providing confidential law enforcement information to Bulger and Flemmi which alerted them to the fact that Brian Halloran had provided information about the murder of Roger Wheeler in Tulsa, Oklahoma on May 27, 1981, in violation of Title 18, United States Code, Section 1510 (later recodified at Section 1512) and 2.

**Racketeering Act #9**

54. CONNOLLY committed the following acts, any one of which alone constitutes Racketeering Act #9.

**Racketeering Act #9A**

55. The allegations contained in Paragraphs 44 through 49 and Paragraph 51 of Racketeering Act #8A are realleged in this Racketeering Act and are incorporated by reference as if fully set forth.

56. In or about June, 1982, CONNOLLY told Bulger and Flemmi that John Callahan was sought as a witness in the Wheeler homicide investigation.

57. In or about June 1982, the exact date being unknown, in the District of

Massachusetts, CONNOLLY did corruptly to endeavor to influence, obstruct, and impede the due administration of justice in a federal grand jury sitting in the Northern District of Oklahoma and investigating the murder of Roger Wheeler, by providing confidential law enforcement information to Bulger and Flemmi which alerted them to the identity of a witness who was being sought to testify in the Wheeler homicide investigation, in order to prevent the witness's cooperation and testimony, in violation of Title 18, United States Code, Section 1503.

58. Acting in response to CONNOLLY'S information, Bulger and Flemmi caused John Callahan to be murdered in Fort Lauderdale, Florida on or about August 1, 1982, in order to prevent his cooperating with law enforcement authorities and to prevent him from being able to provide testimony in the Wheeler homicide investigation.

**Racketeering Act #9B**

59. Paragraphs 55 through 56 and paragraph 58 of Racketeering Act #9A are realleged in this Racketeering Act and are incorporated by reference as if fully set forth.

60. In or about June 1982, the exact date being unknown, in the District of Massachusetts, CONNOLLY did wilfully endeavor by means of intimidation and force and threats thereof to obstruct, delay, and prevent the communication of information by John Callahan to a criminal investigator relating to a violation of a criminal statute of the United States, by providing confidential law enforcement information to Bulger and Flemmi which alerted them that Callahan was sought as a witness in the Wheeler homicide investigation, in violation of Title 18, United States Code, Section 1510 (later recodified at Section 1512) and 2.

**Racketeering Act #10**

61. In or about June 1988, Supervisory Special Agent John Morris learned that other

agents of the FBI who were working with the Organized Crime Strike Force of the Department of Justice had obtained court authorization to conduct a wiretap of telephones used by a person known to the Grand Jury to conduct illegal gambling activity.

62. This wiretap authorization was obtained in conjunction with an ongoing Grand Jury investigation in the District of Massachusetts.

63. In keeping with the understanding among Morris, Bulger, Flemmi, and CONNOLLY, Morris informed CONNOLLY of the wiretap authorization.

64. Also in keeping with that understanding, and because the individual known to the Grand Jury was suspected of paying extortion payments, commonly referred to as "rent," to Bulger and Flemmi in order to be able to continue to conduct his illegal gambling operation, CONNOLLY arranged a meeting among Morris, Bulger, Flemmi and Connolly so that Morris could directly advise them of the wiretap.

65. Shortly thereafter, at a meeting arranged by CONNOLLY, Morris did inform Bulger and Flemmi of the wiretap authorization and investigation.

66. In or about June 1988, in the District of Massachusetts, CONNOLLY did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice before a federal Grand Jury in the District of Massachusetts, by providing confidential law enforcement information to Bulger and Flemmi which alerted them that a federal wiretap had been authorized in conjunction with a Grand Jury investigation into the activities of a person known to the Grand Jury, in violation of Title 18, United States Code, Sections 1503 and 2.

Racketeering Act #11

67. On or about December 23, 1994, in the District of Massachusetts, CONNOLLY did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in a federal Grand Jury in the District of Massachusetts by causing confidential law enforcement information to be provided to James Bulger which alerted him to the fact that law enforcement agents would soon attempt to arrest him in connection with the Grand Jury's investigation, in violation of Title 18, United States Code, Section 1503.

Racketeering Act 12

68. CONNOLLY committed the following acts, any one of which alone constitutes Racketeering Act 12:

Racketeering Act #12A

69. Beginning in or about December 23, 1994 and continuing until about early January 1995, the exact date being unknown, in the District of Massachusetts, CONNOLLY did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in a federal Grand Jury in the District of Massachusetts by causing confidential law enforcement information to be provided to Flemmi which alerted him to the fact that the Grand Jury would be asked to issue an indictment against him, in violation of Title 18, United States Code, Section 1503.

Racketeering Act #12B

70. In or about early January 1995, the exact date being unknown, in the District of Massachusetts, Flemmi, aided and abetted by CONNOLLY, did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in a

federal Grand Jury in the District of Massachusetts by providing confidential law enforcement information to Francis P. Salemme which alerted him to the fact that the Grand Jury would be asked to issue an indictment against him, in violation of Title 18, United States Code, Sections 1503 and 2.

Racketeering Act #13

71. On or about March 27, 1997, during pretrial proceedings in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.), CONNOLLY caused to be sent to United States District Judge Mark L. Wolf a letter falsely purporting to have been written by three unnamed members of the Boston Police Department.

72. That letter stated, in part, that "[t]he Massachusetts State Police, DEA and the FBI are ... guilty of prosecutorial misconduct in the so-called investigation of Frank Salemme, Whitey Bulger and Stevie Flemmi." The letter went on to state that Boston Police Detective Frank Dewan, the Massachusetts State Police, the DEA, the FBI and the Department of Justice Organized Crime Strike Force had furnished or relied upon false information in efforts to prosecute James Bulger and Stephen Flemmi. In specific reference to an issue directly before the Court at the time, the letter contended that: "You, Judge Wolf, were deliberately lied to by the Government when they testified under oath that they did not know a Mafia induction ceremony was going to take place at the time they applied for their wire." The letter implored Judge Wolf to "expose Dewan, [former FBI Special Agent John] Morris, and all the rest of the criminal element in those agencies who every bit as much tarnished their own badges!"

73. The defense attorneys in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.) filed a brief regarding the letter and on April 18, 1997, Judge Wolf held a hearing

regarding the letter.

74. On or about March 27, 1997, in the District of Massachusetts, CONNOLLY did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede an officer of a court of the United States in the discharge of his duty and did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in pretrial proceedings in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.) by, having obtained letterhead of the Boston Police Department, causing to be sent to United States District Judge Mark L. Wolf a letter falsely purporting to have been written by unnamed Boston Police Officers in an effort to dupe Judge Wolf into crediting defense claims and to assist through false representations the defense of Stephen Flemmi, in violation of Title 18, United States Code, Sections 1503 and 2.

Racketeering Act 14

75. CONNOLLY committed the following acts, any one of which alone constitutes Racketeering Act 14:

Racketeering Act #14A

76. In or about early 1998, the exact date being unknown, Flemmi was preparing to testify in pretrial hearings in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.) in support of his claim that he had been authorized by the Federal Bureau of Investigation to commit certain of the crimes charged in that indictment.

77. Through an intermediary, Flemmi informed CONNOLLY that he would falsely testify that it was John Morris, rather than CONNOLLY, who had alerted him and James Bulger to the impending indictment, as alleged in Racketeering Acts 11 and 12.

78. Through the same intermediary CONNOLLY informed Flemmi that Flemmi should assert that John Morris learned of the impending indictment through Washington which had received a "pros memo."

79. In or about early 1998, the exact date being unknown, in the District of Massachusetts, CONNOLLY did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede an officer of a court of the United States in the discharge of his duty and did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in pretrial proceedings in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.) by corruptly persuading Stephen Flemmi to testify falsely that John Morris had learned of the impending indictment in United States v. Salemme et al. through Washington which had received a "pros memo," so that Flemmi could more plausibly testify falsely that John Morris had tipped James Bulger and him to the impending indictment in that case, in violation of Title 18, United States Code, Sections 1503 and 2.

80. Subsequently, on August 28, 1998 and September 1, 1998, Flemmi falsely testified before United States District Judge Mark L. Wolf that John Morris had alerted Bulger to the impending indictment in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.) after Morris had learned of the indictment from Washington, which had received a copy of the "cross memo" in the case.

**Racketeering Act #14B**

81. The allegations contained in Paragraphs 76 through 78 and 80 of Racketeering Act 14A are realleged in this Racketeering Act and are incorporated by reference as if fully set forth.

82. In or about early 1998, the exact date being unknown, in the District of Massachusetts,

CONNOLLY did knowingly and corruptly persuade Stephen Flemmi, with intent to influence the testimony of Stephen Flemmi in pretrial proceedings in United States v. Salemme, Cr. No. 10287-MLW (D.Mass.), to testify falsely that John Morris had learned of the impending indictment in United States v. Salemme et al. through Washington which had received a "pros memo"-so that Flemmi could more plausibly testify falsely that John Morris had tipped James Bulger and him to the impending indictment in that case, in violation of Title 18, United States Code, Section 1512(b)(1).

All in violation of Title 18, United States Code, Section 1962(c).

COUNT TWO - Racketeering Conspiracy
(John J. Connolly, Jr.)

1. The allegations contained in Paragraphs 1-20 and 22-82 of Count One are realleged in this Count and are incorporated by reference as if fully set forth.

2. From in or about September 1975 to on or about September 1998, in the District of Massachusetts and elsewhere, the defendant JOHN J. CONNOLLY, JR., being a person employed by and associated with the Enterprise described above, which was engaged in, and the activities of which affected interstate and foreign commerce, unlawfully and wilfully did combine, conspire, confederate, and agree with persons known and unknown to the Grand Jury, to violate Title 18, United States Code, Section 1962(c); that is, to conduct and participate, directly and indirectly, in the conduct of affairs of the Enterprise through a pattern of racketeering activity.

3. The pattern of racketeering activity through which CONNOLLY unlawfully and

knowingly agreed to conduct the Enterprise's affairs consisted of the acts set forth in Paragraphs 22 through 82 of Count One, which are realleged and incorporated here by reference.

4. It was further part of the conspiracy that CONNOLLY agreed that a conspirator would commit two or more acts of racketeering in the conduct of the affairs of the Enterprise.

All in violation of Title 18, United States Code, Section 1962(d).

COUNT THREE: Conspiracy to Obstruct Justice
(John J. Connolly, Jr. and Stephen Flemmi)

A. GENERAL ALLEGATIONS

1. The allegations contained in Paragraphs 1-11 and 14-19 of Count One are realleged in this Count and are incorporated by reference as if fully set forth.

2. During the period of time that the defendant JOHN J. CONNOLLY, JR. was acting as the contact agent for FBI informants defendant STEPHEN FLEMMI ("FLEMMI") and James "Whitey" Bulger, John Morris asked CONNOLLY what FLEMMI and James "Whitey" Bulger "wanted." CONNOLLY responded, "a head start."

3. On or about January 4, 1995, in connection with the case subsequently captioned United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.), arrest warrants were issued for FLEMMI, James "Whitey" Bulger, Francis P. Salemme, and others.

4. On or about January 5, 1995, Francis P. Salemme fled the District of Massachusetts. He was apprehended on or about August 12, 1995 in West Palm Beach, Florida.

5. On or before January 5, 1995, the exact date being unknown, James "Whitey" Bulger fled the District of Massachusetts. He remains a fugitive.

6. On or about January 10, 1995, FLEMMI, James "Whitey" Bulger, Francis P. Salemme and others were indicted in United States v. Salemme, et al., Cr. No. 94-10287-MLW (D. Mass.), and charged therein with violations of federal racketeering and racketeering-related laws.

B. THE CONSPIRACY

7. From in or about 1993 and continuing thereafter until on or about January 10, 1995, in the District of Massachusetts, CONNOLLY and FLEMMI, together with Francis P. Salemme and others known and unknown to the Grand Jury, unlawfully, knowingly and wilfully conspired to corruptly influence, obstruct and impede the due administration of justice in a federal Grand Jury in the District of Massachusetts by disclosing information concerning a then ongoing Grand Jury investigation, including but not limited to the information that a federal Grand Jury in the District of Massachusetts would be asked to issue an indictment in a case subsequently captioned United States v. Francis P. Salemme, Cr. No. 94-10287-MLW (D. Mass.), in violation of Title 18, United States Code, Section 1503.

Overt Acts

8. In furtherance of the conspiracy and to effect its objects, at least one of the defendants committed or caused to be committed one or more of the following acts in the District of Massachusetts:

a. In or about 1993, CONNOLLY provided FLEMMI confidential law enforcement information concerning a federal Grand Jury investigation in the District of Massachusetts.

b. In or about early 1994, CONNOLLY met with Francis P. Salemme and informed Salemme that he was being investigated by a federal Grand Jury.

c. In or about early 1994, on at least one occasion, CONNOLLY informed Francis P. Salemme that, by communicating through FLEMMI, CONNOLLY would provide Salemme with advance notice of any indictment arising from a federal Grand Jury.

d. On or about December 23, 1994, acting with corrupt intent to influence, obstruct and impede the due administration of justice, CONNOLLY caused to be conveyed to Bulger and Flemmi the information that law enforcement agents would attempt to arrest them in the ensuing weeks in connection with the investigation of a federal Grand Jury in the District of Massachusetts.

e. Beginning in or about December 23, 1994 and continuing through in or about early January 1995, the exact date being unknown, acting with corrupt intent to influence, obstruct and impede the due administration of justice, CONNOLLY caused to be conveyed to FLEMMI the information that a federal Grand Jury in the District of Massachusetts would be asked to issue an indictment against FLEMMI, Francis P. Salemme, and others, in a case subsequently captioned United States v. Francis P. Salemme, Cr. No. 94-10287-MLW (D. Mass.).

f. In or about early January 1995, acting with corrupt intent to influence, obstruct and impede the due administration of justice, FLEMMI conveyed to Francis P. Salemme the information that a federal Grand Jury in the District of Massachusetts would be asked to issue an indictment on January 10, 1995 against FLEMMI, Bulger, Francis P. Salemme and others, in a case subsequently captioned United States v. Francis P. Salemme, Cr. No. 94-10287-MLW (D. Mass.).

g. On or about January 5, 1995, Francis P. Salemme fled the District of Massachusetts.

All in violation of Title 18, United States Code, Section 371.

COUNT FOUR- Obstruction of Justice
(John J. Connolly, Jr.)

Beginning on or about December 23, 1994 and continuing until in or about early January 1995, the exact date being unknown, in the District of Massachusetts, the defendant JOHN J. CONNOLLY, JR. did corruptly influence, obstruct and impede and did endeavor to influence, obstruct and impede the due administration of justice in a federal Grand Jury in the District of Massachusetts by causing confidential law enforcement information to be provided to Stephen Flemmi, which alerted Stephen Flemmi that a federal Grand Jury in the District of Massachusetts would be asked to issue an indictment against Bulger, Salemme, and him in a case subsequently captioned United States v. Francis P. Salemme, Cr. No. 94-10287-MLW (D. Mass.).

In violation of Title 18, United States Code, Section 1503.

COUNT FIVE - Obstruction of Justice
(Stephen Flemmi)

In or about early January 1995, the exact date being unknown, in the District of Massachusetts, the defendant STEPHEN FLEMMI did corruptly influence, obstruct and impede and did endeavor to influence, obstruct and impede the due administration of justice in a federal Grand Jury in the District of Massachusetts by providing confidential law enforcement information to Francis P. Salemme, which alerted Francis P. Salemme that a federal Grand Jury in the District of Massachusetts would be asked to issue an indictment against Bulger, Salemme, and Flemmi on January 10, 1995 in a case subsequently captioned United States v. Francis P. Salemme, Cr. No. 94-10287-MLW (D. Mass.).

In violation of Title 18, United States Code, Section 1503.

COUNT SIX - Obstruction of Justice
(John J. Connolly, Jr.)

1. Paragraphs 71 through 73 of Count One Racketeering Act # 13 are realleged in this Count and are incorporated by reference as if fully set forth.

2. On or about March 27, 1997, the exact date being unknown, in the District of Massachusetts, the defendant JOHN J. CONNOLLY, JR. did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede an officer of a court of the United States in the discharge of his duty and did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in pretrial proceedings in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.) by, having obtained letterhead of the Boston Police Department, causing to be sent to United States District Judge Mark L. Wolf a letter falsely purporting to have been written by unnamed Boston Police Officers in an effort to dupe Judge Wolf into crediting defense claims and to assist through false representations the defense of Stephen Flemmi.

In violation of Title 18, United States Code, Sections 1503 and 2.

COUNT SEVEN - Obstruction of Justice
(John J. Connolly, Jr.)

1. Paragraphs 76 through 78 and 80 of Count One Racketeering Act #14A are realleged in this Count and are incorporated by reference as if fully set forth.

2. In or about early 1998, the exact date being unknown, in the District of

Massachusetts, the defendant JOHN J. CONNOLLY, JR. did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede an officer of a court of the United States in the discharge of his duty and did corruptly influence, obstruct and impede, and did endeavor to influence, obstruct, and impede the due administration of justice in pretrial proceedings in United States v. Salemme et al., Cr. No. 94-10287-MLW (D. Mass.), by corruptly persuading Stephen Flemmi to testify falsely that John Morris had learned of the impending indictment in United States v. Salemme et al. through Washington which had received a "pros memo," so that Flemmi could more plausibly testify falsely that John Morris had tipped James Bulger and him to the impending indictment in that case.

In violation of Title 18, United States Code, Sections 1503 and 2.

COUNT EIGHT - Obstruction of Justice
(John J. Connolly, Jr.)

1. The allegations contained in Paragraphs 76 though 78 and 80 of Count One Racketeering Act 14A are realleged in this Racketeering Act and are incorporated by reference as if fully set forth.

2. In or about early 1998, the exact date being unknown, in the District of Massachusetts, the defendant JOHN J. CONNOLLY, JR. did knowingly and corruptly persuade Stephen Flemmi, with intent to influence the testimony of Stephen Flemmi in pretrial proceedings in United States v. Salemme, Cr. No. 10287-MLW (D.Mass.), to testify falsely that John Morris had learned of the impending indictment in United States v. Salemme et al. which had received a "pros memo" through Washington, so that Flemmi could more plausibly testify falsely that John Morris had tipped James Bulger and him to the impending indictment in that case.

In violation of Title 18, United States Code, Section 1512(b)(1).

COUNT NINE - False Statement

(John J. Connolly, Jr.)

On or about July 16, 1997 in the District of Massachusetts, the defendant JOHN J. CONNOLLY, JR. knowingly and willfully made a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States, that is the Federal Bureau of Investigation, in that CONNOLLY represented to a Special Agent of the Federal Bureau of Investigation that he had no contact with the defense team in the case of United States v. Francis P. Salemme, Cr. No. 94-10287-MLW (D. Mass.), when, in truth and in fact, as he well knew, he had been in contact with he defense team on multiple occasions between January 10, 1995 and July 16, 1997.

In violation of Title 18, United States Code, Section 1001.

A TRUE BILL

FOREPERSON

UNITED STATES OF AMERICA

DONALD K. STERN
UNITED STATES ATTORNEY

JOHN H. DURHAM
SPECIAL ATTORNEY

LEONARD C. BOYLE
SPECIAL ATTORNEY

CYNTHIA M. SHEPHERD
TRIAL ATTORNEY

DISTRICT OF MASSACHUSETTS , 2000.
Returned into the District Court by the Grand Jurors and filed.

Deputy Clerk

UN-SEALED

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| UNITED STATES OF AMERICA | : | CRIMINAL NO. 1:cr CR 10912-EFH |
| | : | |
| v. | : | Conspiracy to Obstruct Justice |
| | : | (18 U.S.C. § 371) |
| RICHARD J. SCHNEIDERHAN, | : | |
| EDWARD G. DUFF, | : | Obstruction of Justice |
| and LINDA REARDON | : | (18 U.S.C. §1503) |
| | : | |
| | : | Aiding and Abetting |
| | : | (18 U.S.C. § 2) |

INDICTMENT

The Grand Jury charges:

COUNT ONE - Conspiracy to Obstruct Justice
(Richard J. Schneiderhan, Edward G. Duff, Linda Reardon)

GENERAL ALLEGATIONS

1. The "Winter Hill Gang" was a clandestine criminal organization that engaged in multiple crimes, including bribery, extortion, loan sharking, and gambling in the greater Boston, Massachusetts area. James Bulger, also known as "Whitey," Stephen Flemmi, also known as "the Rifleman", and John Martorano, among others, were members of the "Winter Hill Gang."

2. On or about January 4, 1995, in connection with the case subsequently captioned United States v. Francis P. Salemme, et al., Cr. No. 94-10287-MLW (D. Mass.), arrest warrants were issued for, among others, James Bulger and Stephen Flemmi.

001193

EXHIBIT
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3. Between on or about December 23, 1994 and on or about January 5, 1995, the exact date being unknown to the grand jury, James "Whitey" Bulger fled the District of Massachusetts. He remains a fugitive as of the date of this Indictment.

4. On or about January 10, 1995, a federal grand jury for the District of Massachusetts, returned the indictment known as United States v. Francis P. Salemme, et al., Cr. No. 94-10287-MLW (D. Mass.). Two of the persons named as defendants in the case and charged therein with violations of the federal racketeering laws were James Bulger and Stephen Flemmi. Later, in or about August, 1995, a superseding indictment was returned by the grand jury which again named Bulger and Flemmi, among others, as defendants and added John Martorano as a defendant in the case.

5. Beginning as far back as the 1950's and at all times material to this Indictment, RICHARD J. SCHNEIDERHAN maintained a personal friendship with Stephen Flemmi.

6. Beginning in or about the late 1960's and continuing through in or about 1978, the exact dates being unknown to the grand jury, SCHNEIDERHAN maintained a personal, non-law enforcement relationship with John Martorano.

7. At all times relevant to this Indictment, SCHNEIDERHAN and EDWARD G. DUFF were related through marriage as brothers-in-law.

8. DUFF and LINDA REARDON (nee Duff) are father and daughter. At all times relevant to this Indictment, SCHNEIDERHAN and REARDON were uncle and niece.

9. At all times material to this Indictment, REARDON was employed by the Bell

Atlantic Company in its Taunton, Massachusetts exchange location as an Administrative Assistant. In that capacity, REARDON was responsible for processing work orders and assigning work orders to telephone technicians.

10. At all times relevant to this Indictment, the Federal Bureau of Investigation was actively involved in the fugitive search for James "Whitey" Bulger so that he could be brought to trial in the case known as United States v. Francis P. Salemme, et al., Cr. No. 94-10287-MLW (D. Mass.).

11. As part of the effort to locate James "Whitey" Bulger so that he could be held to stand trial, the Federal Bureau of Investigation utilized a variety of investigative techniques, including, but not limited to, court orders authorizing the installation and use of "pen register" devices to capture potential evidence as to Bulger's whereabouts.

THE CONSPIRACY

12. From on or about September 21, 1999 and continuing thereafter until on or about September 23, 1999, in the District of Massachusetts, the defendants, RICHARD J. SCHNEIDERHAN, EDWARD G. DUFF and LINDA REARDON, together with others known and unknown to the Grand Jury, unlawfully, knowingly and wilfully conspired to corruptly influence, obstruct and impede the due administration of justice in the case known as United States v. Francis P. Salemme, et al., Cr. No. 94-10287-MLW (D. Mass.), in the District of Massachusetts, by disclosing information concerning a then ongoing investigative effort being conducted by the Federal Bureau of Investigation pursuant to court order and designed to capture information which might be of assistance

in apprehending James "Whitey" Bulger so that he could be held to stand trial in the case captioned United States v. Francis P. Salemme, Cr. No. 94-10287-NLW (D. Mass.), in violation of Title 18, United States Code, Section 1503.

Overt Acts

13. In furtherance of the conspiracy and to effect its objects, at least one of the defendants committed or caused to be committed one or more of the following acts in the District of Massachusetts:

a. On or about September 21, 1999, in the District of Massachusetts, the defendant REARDON, acting with corrupt intent to influence, obstruct and impede justice, provided confidential law enforcement information to DUFF concerning an FBI investigation utilizing electronic surveillance (namely, devices known as "pen registers" which are designed to capture all telephone numbers called from the specified telephone number) on certain South Boston telephone lines.

b. On or about September 21, 1999, defendant DUFF, who was acting with corrupt intent to influence, obstruct and impede justice, met with the defendant SCHNEIDERHAN and informed SCHNEIDERHAN that the specified telephone lines in South Boston, Massachusetts were the subject of electronic surveillance being conducted by the Federal Bureau of Investigation.

c. On or about September 22, 1999, the defendant SCHNEIDERHAN, who was acting with corrupt intent to influence, obstruct and impede justice, conveyed

information to Kevin Weeks that the specified telephone lines in South Boston, Massachusetts were the subject of electronic surveillance being conducted by the Federal Bureau of Investigation.

d. On or about September 23, 1999, Kevin Weeks, who was acting with corrupt intent to influence, obstruct and impede justice, conveyed to one of the targets of the electronic surveillance the information that had been provided to him by the defendant SCHNEIDERHAN.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO- Obstruction of Justice
(Richard J. Schneiderhan, Edward G. Duff, Linda Reardon.)

1. Paragraphs 1 through 11 of Count One are incorporated and realleged as if set forth in full hereinafter.

2. Between on or about September 21, 1999 and September 23, 1999, in the District of Massachusetts, the defendants RICHARD J. SCHNEIDERHAN, EDWARD G. DUFF, and LINDA REARDON did corruptly influence, obstruct and impede and did endeavor to influence, obstruct and impede the due administration of justice in the case known as United States v. Francis P. Salemme, et al., Cr. No. 94-10287-MLW (D. Mass.) by disclosing information concerning a then ongoing investigative effort being conducted by the Federal Bureau of Investigation pursuant to court order which was designed to capture information that might be of assistance in apprehending James "Whitey" Bulger so that he could be held to stand trial in the case captioned United States

v. Francis P. Salemme, Cr. No. 94-10287-MLW (D. Mass.).

All in violation of Title 18, United States Code, Sections 1503 and 2.

A TRUE BILL

FOREPERSON

UNITED STATES OF AMERICA

DONALD K. STERN
UNITED STATES ATTORNEY

JOHN H. DURHAM
SPECIAL ATTORNEY
DISTRICT OF MASSACHUSETTS

LEONARD C. BOYLE
SPECIAL ATTORNEY
DISTRICT OF MASSACHUSETTS

CYNTHIA M. SHEPHERD
TRIAL ATTORNEY
UNITED DEPARTMENT OF JUSTICE

DISTRICT OF MASSACHUSETTS: 11/15/, 2000

Returned into the District Court by the Grand Jurors and filed.

Deputy Clerk AT 4:13 p.m.

11/19/00 Boston Globe C4
2000 WL 3352775

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Sunday, November 19, 2000

Focus

# FOCUS ON NOV. 12-18 FROM HANOI TO HAND COUNTS TO HEART ATTACKS TO HEARTLESSNESS TO HIGH SPEED WORLD HANOI BILL?

FROM STAFF AND WIRE REPORTS

President Clinton last week became the first American president to visit Hanoi, the enemy capital during the Vietnam War. In a city rebuilt after the bombing, Vietnamese President Tran Duc Luong welcomed the prospect of "immense" cooperation between the former enemies, and thousands greeted Clinton with great curiosity and some excitement. Vietnamese leaders welcomed the prospects for greater cooperation between the nations but were cool to Clinton's call for greater freedoms. He said guaranteeing the right to religious worship and political dissent builds confidence in the fairness of institutions. Vietnamese officials suggested that they have different interpretations of human rights.

NATION FLORIDA KEY There was only one (big) story in the nation again last week, and it was set in Florida. There, Election 2000 remained on tantalizing hold as Democrat Al Gore and Republican George W. Bush vied for advantage in that still-contested state. It was a week of dueling press conferences and legal maneuvers as each side saw their share of incremental defeats and victories. Gore's team labored mightily to have ballots in Democratic counties recounted by hand, hoping to add votes overlooked by machines. Bush's team strived to restrict the count to the machine totals plus overseas absentee ballots. Americans, meanwhile, soaked up a civics lesson that made them instantly conversant in election jargon; "chad" became a household word. At the center of the storm was Florida Secretary of State Katherine Harris, a Bush partisan and friend whose rulings on vote certification threatened to have her candidate declared the winner by today. But at week's end, the Florida Supreme Court forbade the vote certification that Harris had set for yesterday, saying she could not act until justices had mulled whether she could ignore votes discovered by a hand recount. The high court's arguments begin tomorrow.

HEALTH MORE? NO THANKS Eating an unusually large, heavy meal raises your risk of a heart attack fourfold over the following two hours, Boston researchers reported last week - just in time for Thanksgiving. The warning applies particularly to people already diagnosed with heart disease, who should adopt a pattern of many small meals rather than a few large ones, said the researchers. No one seems quite sure why overeating can trigger a heart attack. One theory is that a lot of food entering the digestive system can cause the release of hormones that raise blood pressure and speed up the heart, making the heart work harder and making blood clot more

easily. Another is that a large meal spurs the pancreas to release a lot of insulin, which can cause the heart's arteries to narrow. The finding, released at the American Heart Association meeting in New Orleans, might explain why the reported incidence of heart attacks always peaks in December and January.

CITY & REGION UP AND DOWN There was good news and bad on the MCAS front last week. Statewide 2000 test results made public Tuesday showed that math scores improved so that, for the first time, more than half of high school sophomores passed the math portion of the test. But at the same time, the 10th-grade failure rate on English rose for the third straight year. Minority failure rates remained high, and the first group of students to take the test twice did worse as 10th-graders in 2000 than they did as eighth-graders. Overall, there was slight improvement in most subjects in the three grades - 4, 8, and 10 - that took the test, prompting state officials to hail what they called "steady progress." The announcement came as anti-MCAS activity has picked up in recent weeks: The Massachusetts Association of School Committees and voters in six legislative districts have called on Beacon Hill to suspend the test as a graduation requirement, which begins in 2003, and the Massachusetts Teachers Association has launched a $600,000 anti-MCAS ad campaign.

Starved to death

The leader of a small Attleboro religious sect, along with his wife and sister, all pleaded innocent Tuesday in the starvation death of his infant son. They were ordered held on bail. In indictments returned Monday, Jacques Robidoux was charged with first-degree murder for allegedly "directing the systematic withholding of nourishment" from 10-month-old Samuel, who died in April 1999. His mother, Karen Robidoux, 25, was charged with second-degree murder for going along with the plan, and Michelle Robidoux Mingo - whose prophesy that it was God's will to withhold food from Samuel began the starvation - was charged as an accessory before the fact to assault and battery on a child. Prosecutor David Frank told the judge the baby's death was a deliberate act by the adults. "He was starved and killed in a house full of food."

Like the wind

The Acela Express, a new, 150 m.p.h. bullet train, hit record speeds and grabbed rave reviews Thursday on its debut Washington-to-Boston run. The day's highlight came at 4:18 p.m. A palpable surge near Kingston, R.I., brought the train to its top speed of 150 mph, faster than any train in Amtrak's 29-year history. Those on board marked the moment with a champagne toast. The train arrived in Boston - two minutes early - and was greeted by fireworks shot from the top of South Station. Said Michael Dukakis, the former governor and now Amtrak's vice chairman, "This is the future." Regular service on the train begins Dec. 11 in the Northeast.

What's that click?

A former Massachusetts State Police lieutenant and two relatives were indicted Thursday by a federal grand jury on charges they tipped

off associates of fugitive mob boss James "Whitey" Bulger about phone lines the FBI sought to secretly monitor. Indicted were former State Police Lieutenant Richard Schneiderhan; his brother-in-law Edward Duff; and Linda Reardon, who is Duff's daughter, and Schneiderhan's niece - all on obstruction of justice charges. Reardon and Schneiderhan pleaded innocent; Duff will be arraigned next month. Reardon worked at Bell Atlantic in Taunton, where she learned the FBI was using a "pen register" device to capture telephone numbers dialed from certain South Boston telephone lines in an attempt to catch Bulger. She allegedly told her father, who then told Schneiderhan, who passed the information along to Bulger associates. Among the lines monitored was that of University of Massachusetts President William M. Bulger and John Bulger, clerk magistrate of Boston Juvenile Court, both brothers of the fugitive.

TABULAR OR GRAPHIC MATERIAL SET FORTH IN THIS DOCUMENT IS NOT DISPLAYABLE

Caption: WHOLELY ENGAGED - A Palm Beach County (Fla.) canvassing board member examines a ballot last Saturday during the manual recount. / AP PHOTO

--- INDEX REFERENCES ---

NAMED PERSON: CLINTON, BILL; LUONG, TRAN DUC; GORE, ALBERT JR; BUSH, GEORGE W; SCHNEIDERHAN, RICHARD

NEWS SUBJECT: English language content; Religion; Political and General News; Religion (ENGL GREL GCAT RLG)

EDITION: THIRD

Word Count: 1057
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Friday, November 24, 2000

Editorial

# TWISTED LOYALTIES

DECEIT CAN WEAR many uniforms, including those of the Federal Bureau of Investigation, the State Police, and the Boston Police. Former members of all three law enforcement agencies face charges of aiding wanted mobster and suspected murderer James "Whitey" Bulger or his associates.

Last month, former FBI agent John Connolly was indicted for allegedly warning Bulger about a pending indictment. Bulger, who has been charged with killing 19 people, has been on the lam since 1995.

Earlier this month, retired Boston Police officer Michael Flemmi was indicted for allegedly helping his brother, Stephen "The Rifleman" Flemmi, store an arsenal of 70 guns, silencers, and assorted weaponry. And last week, former State Police Lieutenant Richard Schneiderhan was indicted along with two relatives for conspiracy and obstruction of justice after allegedly warning a Bulger crime associate that the FBI was monitoring the phones of several local residents with links to Bulger.

In the public's mind, at least, the game of fingerpointing and excuse-making by law enforcement is over. This case can no longer be characterized solely by overreaching federal agents who undermined local law enforcement to protect their prized informant. While Bulger's drug racketeers poisoned Boston neighborhoods, his toxic influences spread into federal, state, and local police agencies.

The best antidote is his arrest and successful prosecution.

Law enforcement agencies are searching for lessons in this jumble. One is the need to monitor officers with local roots who may be at greater risk of rejecting their sworn oaths and "going native." FBI agent Connolly, a son of South Boston, admired Bulger's swagger and toughness as a youth. It appears he never grew out of the infatuation. Lieutenant Schneiderhan was a boyhood pal of Stephen Flemmi.

The loyalties and impressions of youth can be a law enforcement officer's worst enemy. It takes special strength of character to put one's duty above a relative or friend. But without such strength, entire departments teeter. Testing for character remains the most important and uncertain hiring element in law enforcement.

Law enforcement operates on its own set of weights and measures. The FBI, for example, made its "devil's deal" with Bulger in order to

infiltrate the Mafia. But the scales of justice now seem defective.
It was Bulger who infiltrated law enforcement.

---- INDEX REFERENCES ----

NAMED PERSON: CONNOLLY, JOHN

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

NEWS SUBJECT: Editorial; Content Types; Editorials and Columns; Editorial Page; General News; English language content; Crime and Courts; Political and General News; Crime (NEDI NCAT EDC EDI GEN ENGL GCRIM GCAT CRM)

NEWS CATEGORY: EPG

EDITION: THIRD

U.S. Department of Justice

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*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.



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 (617) 854-1500 (Justice Task Force, 18 Tremont Street, Suite 300, Boston, MA 021308), or (203) 821-3700 (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

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CRIMINAL ACTION
NOs. 32367, 32369, 32370

COMMONWEALTH

vs.

PETER J. LIMONE

MEMORANDUM OF DECISION AND ORDER ON DEFENDANT'S MOTION FOR A NEW TRIAL AND COMMONWEALTH'S MOTION TO VACATE DEFENDANT'S CONVICTIONS, GRANT A NEW TRIAL AND ADMIT DEFENDANT TO BAIL

Defendant Peter J. Limone was convicted in 1968 for being an accessory before the fact in the murder of Edward Deegan, for conspiracy to murder Deegan and for conspiracy to murder Anthony J. Stathopoulos. The matter is now before me on defendant's motion for a new trial, under Mass. R. Crim. P. 30(b) and the Massachusetts and Federal Constitutions, on numerous grounds, and the Commonwealth's motion to vacate defendant's convictions, grant a new trial and admit the defendant to bail. Based upon certain developments, more fully described below, which occurred while discovery was proceeding, it became apparent that certain of Limone's new evidence-based claims were likely to prove dispositive of this motion favorably to Limone. For this reason, the scope of an evidentiary hearing was confined to address Limone's claims

1-5-01
Filed



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regarding certain newly discovered exculpatory evidence.[1] This evidentiary hearing was conducted on January 5, 2001; the court received into evidence 26 pages of documents produced by the Justice Task Force to the parties on December 19, 2000. For reasons more fully discussed below, after review of the trial transcript, I ALLOW Limone's motion for a new trial and I ALLOW the Commonwealth's motion to vacate defendant's convictions, grant a new trial and admit defendant to bail.

## BACKGROUND

### 1. Background of the Case Before This Motion

The facts of this case are set forth in the opinion of the Supreme Judicial Court affirming the convictions of Limone and his five codefendants. See *Commonwealth* v. *French*, 357 Mass. 356, 361-370 (1970), judgments vacated as to death penalty *sub nom. Limone* v. *Massachusetts*, 408 U.S. 936 (1972). Between May 27, 1968 and July 31, 1968 Limone was tried jointly with five codefendants.[2] Briefly stated, the evidence presented at trial through the key prosecution witness, one Joseph Barboza (also known as Joseph Baron), was that Limone offered Barboza a contract to kill Deegan for $7,500. Barboza testified that Limone later offered an additional $2,500 if Stathopoulos were also killed. During a break-in at a financial institution, Deegan was killed in an alley in Chelsea on March 12, 1965, but Stathopoulos drove away from the crime

[1] I intend this decision to address only those claims which I discuss. I have not considered any of Limone's claims or arguments not discussed in this decision. I save all of Limone's rights as to those other claims and arguments, should that be necessary.

[2] Limone's codefendants at trial were Wilfred Roy French, Lewis Grieco, Henry Tameleo, Joseph L. Salvati and Ronald Anthony Cassesso. On January 4, 2001, the Commonwealth moved to vacate Salvati's conviction and for a new trial in that case. Those motions are pending.

scene.[3,4]

More specifically, 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,[5] Cassesso, Salvati, French, Grieco and others, not including Limone.[6] Stathopoulos escaped. Some time later, Barboza testified, he met with Limone, who paid him for the Deegan murder.

A jury convicted Limone on the two counts of conspiracy to commit murder and of being an accessory before the fact. Limone was sentenced to death.[7] The convictions of Limone and all the codefendants were affirmed by the Supreme Judicial Court. *Commonwealth* v. *French*,

[3] Limone testified at trial that he had been friendly with Deegan; had no alibi for March 12-13, 1965; first met Barboza in February 1965; had seen Stathopoulos with Deegan at a veterans' club and had known Grieco only from late 1965. Limone said he had met French in the Charles Street jail and had known Cassesso, Salvati and Tameleo for some years. *French*, 357 Mass. at 370 n.10; Trial Transcript, Vol. 45, pp. 6183 *et seq.*

[4] Stathopoulos subsequently cooperated with the District Attorney's office in prosecuting this case. Although he testified at trial, his testimony did not implicate Limone.

[5] Barboza pled guilty to two indictments for conspiracy on the first day of jury selection. He was murdered in 1976.

[6] Barboza mentions Vincent James Flemmi as a participant in the scheme. Flemmi, who is now deceased, was never indicted. The newly disclosed evidence reveals that Flemmi was an F.B.I. informant around the time Deegan was murdered and for a period thereafter.

[7] French, who the trial evidence showed shot Deegan, was found guilty of murder in the first degree with a recommendation that death not be imposed. Salvati was convicted of being an accessory, also with a recommendation against death. Grieco, who the evidence also showed shot Deegan, was found guilty of murder in the first degree, and Cassesso and Tameleo were found guilty as accessories. Grieco, Cassesso and Tameleo were convicted on two conspiracy indictments; each was sentenced to death.

357 Mass. 356 (1970). Limone's death sentence was vacated by the United States Supreme Court following its decision in *Furman* v. *Georgia*, 408 U.S. 238 (1972). See *Limone* v. *Massachusetts*, 408 U.S. 936 (1972).[8]

Limone's first motion for a new trial was denied in 1970, and this denial was affirmed on appeal. *Commonwealth* v. *Cassesso*, 360 Mass. 570 (1971). A petition for habeas corpus filed in the United States District Court for the District of Massachusetts was dismissed, and this dismissal was affirmed by the First Circuit Court of Appeals. *Grieco* v. *Meachum*, 533 F.2d 713 (1st Cir. 1976), *cert. denied sub nom. Cassesso* v. *Meachum*, 429 U.S. 858 (1976). Limone's second motion for a new trial was denied in 1990, and this denial was affirmed on appeal. *Commonwealth* v. *Limone*, 410 Mass. 364 (1991). Other motions for a new trial were filed in 1993 and were denied, which was also affirmed. *Commonwealth* v. *Salvati*, 420 Mass. 499 (1995).

**II. Developments Since This Motion Was Filed**

Defendant's motion for a new trial was filed on June 19, 2000. The case was assigned to me on August 2, 2000 because the trial judge (Forte, J.) had retired from the Superior Court. After a number of hearings, it became apparent that the Commonwealth had in its possession documents that the Commonwealth agreed should be made available to Limone. A discovery deadline was set, and the matter proceeded largely in compliance with that deadline. I issued an order setting forth the parties' responsibilities in compiling an itemized list of non-live evidence that would be introduced an at evidentiary hearing on this motion, should I determine an

[8] Limone was resentenced to life imprisonment.

evidentiary hearing to be appropriate.

Meanwhile, counsel for Limone had moved to intervene in *United States* v. *Stephen J. Flemmi et al.*, Crim. No. 94-10287-MLW (D. Mass.), pending before United States District Court Judge Mark L. Wolf. Judge Wolf denied intervention but indicated that certain documents might be discoverable in this proceeding. I thereafter gave notice to the United States Attorney's office of Limone's request for discovery of matters relating to the pending motion. The local United States Attorney's office agreed to review its files. This led to the parties each receiving a telephone call from John H. Durham, a Special Attorney with the United States Attorney's office. This telephone contact was followed by a letter to the parties from AUSA Durham dated December 19, 2000 enclosing 26 pages of F.B.I. documents.[9] In that letter, AUSA Durham states that in response to Limone's November 2000 request for information, F.B.I. employees assigned to the Justice Task Force began reviewing Boston F.B.I. informant, intelligence and investigative files. According to AUSA Durham, that review showed that Vincent James Flemmi was an F.B.I. informant around the time of the Deegan murder. F.B.I. focus on Flemmi as a potential source began on March 9, 1965, and the first reported contact with Flemmi as an informant was by F.B.I. Special Agent H. Paul Rico on April 5, 1965. In his letter, AUSA Durham also states that F.B.I. files show that Flemmi was contacted five times as an informant by Special Agent Rico, and that Flemmi's file was closed on September 15, 1965 after Flemmi was charged with a crime "unrelated to the Deegan murder."

AUSA Durham further states in his letter that Vincent Flemmi's F.B.I. file contains two

[9] Durham's letter and the attached F.B.I. records were admitted into evidence at the hearing on this motion.

documents relating to the Deegan murder. One is a summary of information known by the Boston F.B.I. about Flemmi's criminal activities at the time Flemmi became an F.B.I. informant. The Justice Task Force attempted to locate other investigative files that relate to the Deegan murder. Five such documents had been located as of December 19, 2000. I refer to these documents collectively as the "F.B.I. documents." These are:

(1) Memorandum dated March 15, 1965 from Special Agent Rico to the "SAC, Boston" reporting a contact with a source on March 10, 1965.

(2) Memorandum dated March 15, 1965 from Special Agent Rico to the SAC, Boston, reporting a contact with the same source on March 13, 1965.

(3) March 19, 1965 "Airtel" from SAC, Boston, to "Director, F.B.I." titled, "Criminal Intelligence Program, Boston Division" which summarizes that week's developments.

(4) Memorandum dated April 22, 1965 from a Boston "Correlator" to SAC, Boston titled "Vincent James Flemmi, Aka." which summarizes information in F.B.I. files known about Flemmi at the time he was opened as an informant.

(5) June 9, 1965 Airtel from SAC, Boston to Director, F.B.I. titled "BS 919-PC" which reports on the status of efforts to develop Vincent James Flemmi as an F.B.I. informant.

These documents are heavily redacted, and portions are of marginal legibility.[10] I summarize them below.

[10] On December 20, 2000, the District Attorney's office filed the documents received from the Justice Task Force as a pleading in this case.

AUSA Durham's letter states that there were "[s]everal impediments" to the Justice Task Force's search for records, including routine destruction of files. The result of this is that, for example, the April 22, 1965 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." However, "a case file containing information from Joseph Baron (Barboza) was located on this date, and a review of that file will begin shortly." In addition, AUSA Durham states that "it can not be stated with certainty at this time that the attached documents represent the only relevant materials in FBI files." AUSA Durham invites counsel for Limone to provide "greater specificity" as to what materials are relevant, but states that in any event the Justice Task Force will advise the parties of additional relevant documents that are discovered.

AUSA Durham included with his letter five documents, whose pages were numbered sequentially 00001 through 000026:

Document 1 is a memorandum from Special Agent Rico to the SAC, dated March 15, 1965. As noted, it states that the date of contact was March 10, 1965 and under "Titles and File [illegible] on which contacted" states "Edward [illegible] Deegan." The memorandum states:

> 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.

Document 2 is a memorandum from Special Agent Rico to the SAC dated March 15,

1965. It lists March 13, 1965 as the date of contact and "Edward F. Deegan" as the title/file on which the informant was contacted. This document states:

> 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."
>
> This information has been disseminated by SA DONALD V. SHANNON to Capt. ROBERT RENFREW (NA) of the Chelsea, Mass. PD.

Document 3 is from SAC, Boston to Director, F.B.I. (then J. Edgar Hoover). It begins by summarizing much of the information contained in the March 1965 Memoranda.[11] It then states:

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[11] The document states:

> 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. 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" DEEGAN. Shortly thereafter the Chelsea PD found the body of DEEGAN 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

> 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.
>
> [What appears to be two paragraphs of text is redacted here].
>
> Informant also advises that [redacted] had given the "OK" to JOE BARBOZA and "JIMMY" FLEMMI to kill [redacted] who was killed approximately one month ago.

Following this is an additional page which states that it "is being deleted in its entirety for codes: F, B."

Document 4 is from "correlator" to SAC, Boston, regarding Vincent James Flemmi. It is a lengthy, heavily redacted document and need not be quoted in its entirety. Relevant portions state:[12]

> Boston airtel to Director, FBI dated 10/23/64 captioned [redacted]
> [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.
>
> Boston airtel to Director, FBI dated 10/19/64 captioned [redacted].
> [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

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necessary information to prosecute the persons responsible.

[12] The document contains what appears to be a form of document code numbers, which I omit.

leaving his fingerprints in the car in which [redacted] was murdered.

....

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].

....

Memo. of H. Paul Rico to SAC, Boston 10/8/64 and captioned: [redacted] Informant advised 10/5/64, that he is friendly with the FLEMMI's, but VINCENT FLEMMI is an extremely dangerous individual....Informant also advised that he suspects that FLEMMI had committed several murders....Informant advised that [several lines redacted] and "JIMMY" FLEMMI wanted to be considered the "best hit man" in the area.

....

Boston airtel to Director, FBI & SACS Las Vegas, Phoenix 1/7/65 captioned: [redacted]
A review of information furnished by [redacted] on 1/4/65 reflected that Ronald Cassessa, JAMES FLEMMI, [redacted] contacted Patriarca. Cassessa told Patriarca that "that thing was straightened out." (Informant did not know what it pertained to.)

....

[Document identifying data redacted].
Gennaro J. Angiulo and Peter Limone contacted Patriarca. Angiulo stated that Larry Baione, Boston hoodlum, had contacted him when he (Baione) was released from prison concerning the loan shark business of [redacted].

Patriarca advised that [redacted] and JAMES FLEMMI, both of Boston, contacted him. This contact was arranged by Ronnie Cassessa, and Angiulo had knowledge of same.

Patriarca stated that the word was that "we" (meaning Patriarca and his group) wanted FLEMMI and [redacted] for something and consequently they both arranged the meet. [Paragraph redacted]

....

According to Angiulo, [redacted] told Peter Limone that JIMMY FLEMMI had told [redacted], "Don't worry about [redacted]," (indicating that he knew [redacted] was going to get hit.).

Boston Airtel to Director, 3/10/65 entitled: [redacted]
[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".

....

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 [redacted.] 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 [redacted] was not the same as Jerry Angiulo's.

Boston's Airtel to Director and SACS Albany, Buffalo, Miami 3/12/65 captioned: [redacted].
[Redacted] 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" [redacted] who is friendly with [redacted].

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.
.....
Memo. of [redacted] 4/6/65 captioned: [redacted]
....
PCI stated that JIMMY FLEMMA had gone to Providence just before Teddy Deegan was slain in Chelsea.

Document 5 is from SAC, Boston to Director, F.B.I. and reports on the status of efforts to develop Vincent James Flemmi as an informant for the F.B.I. Much of this document is illegible, but it provides in relevant part:

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 [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.

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.

## DISCUSSION

Massachusetts Rule of Criminal Procedure 30(b) provides that a motion for a new trial may be granted "at any time if it appears that justice may not have been done." Grounds for a new trial include newly discovered evidence and failure to disclose exculpatory evidence. Among the grounds Limone now asserts in support of his motion for a new trial is newly discovered exculpatory evidence.[13]

Limone's claim that the government improperly failed to disclose exculpatory evidence fits into a number of analytical boxes, with differing standards. On the one hand, it can be analyzed as a typical claim for a new trial based on newly discovered evidence. *Commonwealth* v. *Tucceri*, 412 Mass. 401, 408-09 (1992). Such a motion based on newly discovered evidence may be made without regard to whether that evidence was improperly withheld by the government. *Id.*; *Commonwealth* v. *Grace*, 397 Mass. 303, 305 (1986). Limone's claim can also be analyzed as a claim that there was a violation of *Brady* v. *Maryland*, 373 U.S. 83 (1963), because a *Brady* claim may be made in the context of a claim regarding newly discovered evidence. *Tucceri*, 412 Mass. 408-09. A *Brady* claim may also, however, be made even if the undisclosed evidence is not "newly" discovered. *Id.* at 409. In ruling on the pending motion, I address Limone's claim only on the newly discovered evidence ground and do not address his claim in the context of *Brady*.

### 1. Newly Discovered Evidence

A defendant seeking a new trial on grounds of newly discovered evidence must establish

[13] Limone has presented numerous other grounds. I decide his motion based only on the newly discovered exculpatory evidence. I do not reach the other grounds Limone asserts.

both that the evidence is newly discovered and that it casts "real doubt" on the justice of the conviction. *Commonwealth* v. *LeFave*, 430 Mass. 169, 176 (1999). Limone has satisfied both parts of that standard. Evidence is newly discovered when it was unavailable at the time of trial and could not have been, with reasonable diligence, discovered at trial or at the time of a prior motion for a new trial. *Id.*; *Commonwealth* v. *Moore*, 408 Mass. 117, 126 (1990); *Grace*, 397 Mass. at 306. The Commonwealth concedes that these documents are "newly" discovered.[14] The evidence "not only must be material and credible...but also must carry a measure of strength in support of the defendant's position." *Commonwealth* v. *Scanlon*, 412 Mass. 664, 680 (1992), quoting *Grace*, 397 Mass. at 305-06. Thus, if the newly discovered evidence is cumulative of evidence admitted at trial, it tends to carry less weight than evidence that is different in kind. *Scanlon*, 397 Mass. at 680. "Moreover, the judge must find there is a substantial risk that the jury would have reached a different conclusion had the evidence been admitted at trial."[15]

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[14] There is no credible evidence before me that the Suffolk District Attorney's office had actual possession of the F.B.I. documents or of the information contained therein before those documents were produced by the Justice Task Force on December 19, 2000.

[15] The Commonwealth argues that the proper standard in this regard for the trial court is whether there is a "substantial likelihood of a miscarriage of justice." That argument is based on *Commonwealth* v. *Simmons*, 417 Mass. 60, 73 (1994). In *Simmons*, the procedural posture of the case was such that the Court decided the defendant's (1) direct appeal from his conviction for murder in the first degree, (2) appeal from the denial of his motion for a new trial filed in and decided by the Superior Court and (3) appeal from the denial of his second motion for a new trial filed with an decided by a single justice of the Supreme Judicial Court. *Simmons*, 417 Mass. at 61. There, the Court held that "[w]here the prosecution denies the defendant exculpatory evidence but the defendant has not requested it or has made only a general request, *this court* will order a new trial or reduction of the verdict whenever the court concludes that there has been a substantial likelihood of a miscarriage of justice." *Id.* at 73 (emphasis added). The Court's decision was based on G.L. c. 278, § 33E. *Commonwealth* v. *Tucceri*, 412 Mass. 401, 412-13 (1992), which articulated the standard to govern motions for a new trial where the prosecution improperly failed to deliver exculpatory evidence to a defendant, involved a defendant who was not convicted of first degree murder. That case was before the Court on an appeal from the allowance of the defendant's motion for a new trial by the Superior Court; that appears to have been the defendant's first motion for a new trial and first appeal, although it was filed years after his conviction. *Id.* In *Tucceri*, the Court held that when the defendant has made no request or only a general request for exculpatory evidence, the standard for the trial court is "whether there is a substantial risk that the jury would have reached a different conclusion." *Tucceri*, 412 Mass. at 413. *Tucceri* cited *Grace*, 397 Mass. at 306, which also used the language *Tucceri* used. *Grace* involved the motion for a new

*Grace*, 397 Mass. at 306. Where, as here, I was not the trial judge, I must carefully scrutinize the trial record to determine fairly whether newly discovered evidence demonstrates that justice may not have been done. *Commonwealth* v. *Hill*, 432 Mass. 704, 710 (2000); *Commonwealth* v. *Leaster*, 395 Mass. 96, 101 (1985). I have conducted that review by reading the entire trial transcript and held several hearings.[16]

Here, the jury would likely have reached a different conclusion by this previously undisclosed evidence for two principal reasons. First, the new evidence 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 F.B.I. informant around the time of the murder.

Turning first to the Barboza issue, Barboza was a "vital, principal prosecution witness at trial." *Commonwealth* v. *Cassesso*, 360 Mass. 570, 572 (1971). In effect, "the principal issue before the jury was one of [Barboza's] credibility."[17] *Commonwealth* v. *French*, 357 Mass. 356, 397 (1970). Barboza, as noted, was the only government witness implicating Limone. If

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trial of a defendant convicted of murder in the first degree. *Grace*, 397 Mass. at 304. That motion, which did not involve exculpatory evidence allegedly withheld by the government, was filed in the Superior Court years after the defendant's conviction was affirmed by the Supreme Judicial Court. The upshot of this discussion is that it appears that it is the *Tucceri* "substantial risk" standard that governs Limone's present motion for a new trial, rather than the *Simmons* "substantial likelihood of a miscarriage of justice" standard. This is so because this case is in a procedural position similar to *Grace*, and is not part of an appeal to the Supreme Judicial Court under G.L. c. 278, § 33E, as was *Simmons*. See *Commonwealth* v. *Wright*, 411 Mass. 678, 681 (1992) (standard of review by Supreme Judicial Court of unpreserved claim of error in context of claim of ineffective assistance of counsel is "substantial likelihood of a miscarriage of justice"). This was the standard used in *Commonwealth* v. *Salvati*, 420 Mass. 499, 506 (1995). That said, however, which of these standards applies is not determinative of the issues I now consider. As I note below, see *infra* note 20, I conclude that the newly discovered evidence creates a substantial likelihood of a miscarriage of justice as well as a substantial risk that the jury would have reached a different conclusion vis-à-vis Limone.

[16] I did not review the transcript of the lengthy jury empanelment.

[17] Barboza was a "highly vulnerable" witness in another case. See *Patriarca* v. *United States*, 402 F.2d 314 (1st Cir. 1968) (where Barboza testified against defendants Patriarca as well as Cassesso and Tameleo).

Limone had had information that Patriarca set up the murder and not Limone, and that Flemmi was an F.B.I. informant, it is highly likely that the defense theory that the F.B.I. was manipulating Barboza's testimony could have been buttressed. Moreover, the newly disclosed evidence about Vincent James Flemmi would have provided Limone considerable opportunity to challenge Barboza's testimony as to Flemmi. Barboza calls Flemmi his "partner" during March of 1965, the time of the Deegan murder. Trial Transcript (hereafter the "Transcript") Vol. 34, pp. 4160-61. Barboza testified that Flemmi was at the Ebb Tide on the night of the murder. Transcript Vol. 34, p. 4167; *id.* at Vol. 35, p. 4431. But Barboza denies that Flemmi left the Ebb Tide with Barboza and the others on the night of the murder. Transcript Vol. 34, p. 4172.

In addition, the newly discovered evidence is consistent with other evidence Limone has previously submitted to the court in his prior new trial motions. For example, in an affidavit submitted in 1970, Barboza stated that he is "free from duress or coercion" and wishes "to recant certain portions of...[his] testimony...[concerning] the involvement of Henry Tameleo, Peter J. Limone, Joseph L. Salvati and Lewis Grieco in the killing of Teddy Deegan." *Cassesso*, 360 Mass. at 573. He further stated that the testimony he was offering "to give concerning the killing of...Deegan and those individuals responsible for his death will be the whole truth known to" him. *Id.* See also *id.* at 574-75 (detailing affidavit of counsel for Limone). The Supreme Judicial Court observed that this affidavit was deficient in a number of respects, but left it open to Limone and his codefendants to renew their new trial motion if they could expand on Barboza's affidavit. *Id.* at 573, 579. In an affidavit dated April 9, 1976 and submitted in 1990, Gerald Alch, Esq. states that he and Barboza had several conversations in July and August 1970

at the Massachusetts Correctional Institute in Walpole to discuss Barboza's trial testimony. Alch states that Barboza told him that "any testimony [Barboza] had given in the trial of the Deegan case which in any way implicated Peter Limone was false; that Mr. Limone was neither present at the time of the commission of said crime, nor had any knowledge thereof and was in no way involved under any circumstances which could classify him as an accessory before or after the fact." Barboza states that he was motivated at trial by his belief that implicating Limone in the murder would help him (Barboza) obtain a new identity, relocation and financial assistance from law enforcement officials.[18] He also claimed that the prosecution promised him post-trial protection. Because the promises made to him had not been kept, Barboza "felt no longer obligated to adhere to his false implication of Limone." Mem. of Decision of Dolan, J., dated Feb 13, 1990, at 9.

For these reasons, I find and rule that the F.B.I. documents are newly discovered evidence which, as both the Commonwealth and Limone state, cast "real doubt" on the justice of Limone's convictions. They are material[19] and carry a measure of strength in support of Limone's position. Thus, I find and rule that there is a substantial likelihood that the jury would have reached a different conclusion had this evidence been available at trial.[20] Accordingly, I allow the motions for a new trial and I also allow the Commonwealth's motion to vacate the convictions.

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[18] Barboza had been placed in protective custody by Federal officials before trial of this case. Transcript, Vol. 42, p. 5810.

[19] I make no finding, of course, as to the *accuracy* of the information set forth in the F.B.I. documents.

[20] I also find that the newly discovered evidence satisfies the higher standard of *Simmons*, 417 Mass. 60. The newly discovered F.B.I. documents create a substantial likelihood of a miscarriage of justice.

## II. BAIL

Also before me are motions of the defendant and the Commonwealth to admit Limone to bail. After a bail hearing and consultation with the Department of Probation, I allowed the defendant's request (which the Commonwealth did not oppose) that Limone be released on personal recognizance subject to strict conditions detailed on the record. I did so having considered the factors enumerated in G.L. c. 276, § 58 on the basis of the information before me. That information showed, among other factors, the following:

Limone is now about 65 years old. His wife, Olympia Limone, still resides in the same house in Malden, Mass. where she and Limone lived before Limone was incarcerated; she and their children have maintained contact with Limone throughout his incarceration and Limone will reside with them now. Limone has also maintained contact with his immediate and extended family during his incarceration.

I also note that the materials provided me at today's bail hearing include a commendation letter from the Superintendent of M.C.I. Norfolk to Limone. This letter expresses appreciation to Limone for his participation in resolving a hostage situation at M.C.I. Norfolk on March 6, 1975, where two correctional officers were taken hostage and later shot. The letter also states that Limone helped to resolve the situation by negotiating personally with the hostage takers. Among the other factors I take into consideration is that Limone successfully completed approximately 170 furloughs before that program was eliminated. I also take into consideration that the Commonwealth states it is not now in a position to decide whether it will prosecute Limone again on the pending indictments.

**ORDER**

For the foregoing reasons, the motion for a new trial of Peter J. Limone is **ALLOWED**; the Commonwealth's motion to vacate defendant's convictions, grant a new trial and admit Limone to bail is also **ALLOWED**.

Margaret R. Hinkle
Justice of the Superior Court

DATED: January 5, 2001

factiva. Dow Jones & Reuters

MAIN (A)

**MURDERER SAID FOUR WERE INNOCENT IN '65 SLAYING, LAWYER SAYS**

EDMUND H. MAHONY; Courant Staff Writer
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3 January 2001
The Hartford Courant
7 SPORTS FINAL
A8
English
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A local defense lawyer said Tuesday that a former client of his -- an admitted triggerman in a notorious, decades-old murder -- insisted more than 30 years ago that four men were wrongly convicted with him and that the FBI knew it.

The disclosure by defense lawyer Ronald **Chisholm** is the latest in a growing list of allegations that raise questions about FBI behavior in the 1965 case. An assortment of similar allegations has become public recently as a special U.S. Department of Justice task force enters the third year of an investigation of law enforcement misconduct in the Boston area.

Much of the information being examined by the task force seems to have been foreshadowed by events in the 1965 case and suggests that a handful of FBI agents routinely broke the law when dealing with a string of highly placed informants. In the 1965 case and others, it appears that known murderers were spared prosecution in return for cooperating with the bureau. Worse, innocent men may have been substituted for the real killers.

**Chisholm** said during an interview Tuesday that his former client, gangster Ronald **Cassesso**, now dead, admitted during their conversations in the late 1960s to being one of the participants in the 1965 gangland execution of Edward "Teddy" Deegan.

In addition, **Chisholm** said, **Cassesso** told him that four of the six men arrested and convicted were innocent. **Chisholm** said he believes the four innocent men were implicated by a duplicitous FBI informant named Joseph "The Animal" **Barboza**. Barboza's testimony at trial in the late 1960s is widely credited with ensuring the conviction of the four men.

Troubling to observers like **Chisholm**, who have followed the Deegan case for years, is substantial evidence -- some from FBI files -- that Deegan's murder was planned and carried out by Barboza. The information disclosed Tuesday by **Chisholm** supports the view that Barboza arranged to have Deegan killed and then, through his trial testimony, ultimately determined who would be convicted and who wouldn't.

A variety of information, including previously secret FBI documents discovered late last year, suggests that Barboza planned Deegan's murder and carried it out with fellow gangsters **Cassesso**, James Vincent Flemmi, Wilfred Roy French and Romeo Martin.

The men ultimately convicted of the crime were **Cassesso**, French, Joseph Salvati, Louis Greco, Henry Tameleo and Peter Limone. Of the four men widely believed to have been innocent, Greco and Tameleo died in prison, Limone remains incarcerated and Salvati was pardoned in 1997.

Three of the four had ties to the New England Mafia in the 1960s and their convictions were publicity victories in what was then the FBI's all-out war against organized crime. The fourth, Salvati, owed Barboza a small amount of money.

**Chisholm** said Tuesday that **Cassesso** told him during one of their talks during the late 1960s that he could have avoided prison for the Deegan murder if he had thrown in with Barboza. But, **Chisholm** said, **Cassesso**



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refused to frame innocent men.

**Chisholm** said that at about the time **Cassesso** was awaiting trial for the Deegan murder in 1967, **Cassesso** was approached by FBI agent H. Paul Rico, now retired. Rico was a much-decorated agent in Boston known for his ability to persuade mobsters to become FBI informants and witnesses. Barboza was among the stable of informers groomed by Rico.

**Chisholm** said Rico told **Cassesso** he could avoid serving further time if he corroborated Barboza's testimony at the upcoming trial.

"He told me he told Rico that he wasn't going to frame any innocent people," **Chisholm** said.

Rico has repeatedly declined to comment on any aspect of the case.

**Chisholm** said he was prevented until recently from disclosing his conversations with **Cassesso** for legal reasons.

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COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, S.S. SUPERIOR COURT DEPARTMENT
TRIAL COURT DIVISION
CR. NO.: 32367, 69-70

COMMONWEALTH

V.

PETER LIMONE

**AFFIDAVIT OF JOSEPH J. BALLIRO, SR., ESQUIRE**

Introduction

The following affidavit is made with the understanding that it is to be used in support of the motion for a new trial on behalf of Peter Limone.

Affidavit

I, Joseph J. Balliro, Sr., Esquire, do state and aver the following:

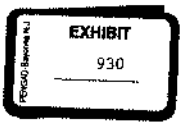
1. I represented Henry Tameleo in the trial of the Commonwealth v. Peter Limone et. als., that concluded with a conviction on July 31, 1968;

2. As the result of a post-conviction investigation, I received a memorandum from F. Lee Bailey, Esquire who was representing Joseph Barboza who had been the critical witness in the case against Mr. Limone and others;

A copy of the "memo" is attached hereto and will speak for itself. It obviously exculpates Mr. Limone from being in any way responsible for the death of Mr. Deegan;

3. At no time have I represented Stephen Flemmi or Nicky Flemia;

4. I have no knowledge of any information that Freddy Chiampa or Frank Imbruglia have concerning the Deegan murder case and although I may have represented either or both of them some 35 or 40 years ago, I neither remember the dates or



circumstances and can find no file that reflects such representation;

5. I have represented both Joseph Barboza and Vincent "Jimmy" Flemmi some 35 or 40 years ago on matters unrelated to the Deegan murder case;

6. I never received any information from Mr. Barboza relative to the Deegan murder case;

7. Pursuant to an order of the, Hinckle, J., releasing me from the attorney-client privilege of my client, James "Vincent" Flemmi, the following is a summary of a conversation I had with Mr. Flemmi in the summer of 1967 concerning the Deegan murder case:

I visted with Mr. Flemmi for the purpose of determining what evidence he could furnish, if any, that would impeach the credibility of Joseph Barboza in the Deegan murder trial. I was representing Henry Tameleo, who was one of the defendants in that case. Mr. Flemmi told me that it would be impossible for him to come up front with any evidence against Barboza. He told me that Barboza had planned the killing and that he, Flemmi, had participated. Flemmi told me that when Barboza gave his account of the crime to the authorities, he substituted Joseph Salvati for Flemmi because Salvati had disrespected him. Flemmi told me that Barboza had sent him word that although Tameleo, Limone had nothing to do with arranging the Deegan murder, that Greico was not a participant and he was putting them in because they also had disrespected him.

Flemmi told me that he had done too many things with Barboza and was concerned that if Barboza thought that Flemmi tried to help my client, that he could involve Flemmi in some serious stuff.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 2ND DAY OF JANUARY, 2001.

Joseph J. Balliro, Sr., Esq.
99 Summer Street
Suite 1800
Boston, MA 02110
(617) 737-8442
B.B.O. No. 028000

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

SUPERIOR COURT
CRIMINAL ACTION
NOs. 32367, 32369, 32370

COMMONWEALTH

vs.

PETER J. LIMONE

**MEMORANDUM OF DECISION AND ORDER ON DEFENDANT'S MOTION FOR A NEW TRIAL AND COMMONWEALTH'S MOTION TO VACATE DEFENDANT'S CONVICTIONS, GRANT A NEW TRIAL AND ADMIT DEFENDANT TO BAIL**

Defendant Peter J. Limone was convicted in 1968 for being an accessory before the fact in the murder of Edward Deegan, for conspiracy to murder Deegan and for conspiracy to murder Anthony J. Stathopoulos. The matter is now before me on defendant's motion for a new trial, under Mass. R. Crim. P. 30(b) and the Massachusetts and Federal Constitutions, on numerous grounds, and the Commonwealth's motion to vacate defendant's convictions, grant a new trial and admit the defendant to bail. Based upon certain developments, more fully described below, which occurred while discovery was proceeding, it became apparent that certain of Limone's new evidence-based claims were likely to prove dispositive of this motion favorably to Limone. For this reason, the scope of an evidentiary hearing was confined to address Limone's claims

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regarding certain newly discovered exculpatory evidence.[1] This evidentiary hearing was conducted on January 5, 2001; the court received into evidence 26 pages of documents produced by the Justice Task Force to the parties on December 19, 2000. For reasons more fully discussed below, after review of the trial transcript, I **ALLOW** Limone's motion for a new trial and I **ALLOW** the Commonwealth's motion to vacate defendant's convictions, grant a new trial and admit defendant to bail.

## BACKGROUND

### I. Background of the Case Before This Motion

The facts of this case are set forth in the opinion of the Supreme Judicial Court affirming the convictions of Limone and his five codefendants. See *Commonwealth* v. *French*, 357 Mass. 356, 361-370 (1970), judgments vacated as to death penalty *sub nom. Limone* v. *Massachusetts*, 408 U.S. 936 (1972). Between May 27, 1968 and July 31, 1968 Limone was tried jointly with five codefendants.[2] Briefly stated, the evidence presented at trial through the key prosecution witness, one Joseph Barboza (also known as Joseph Baron), was that Limone offered Barboza a contract to kill Deegan for $7,500. Barboza testified that Limone later offered an additional $2,500 if Stathopoulos were also killed. During a break-in at a financial institution, Deegan was killed in an alley in Chelsea on March 12, 1965, but Stathopoulos drove away from the crime

[1] I intend this decision to address only those claims which I discuss. I have not considered any of Limone's claims or arguments not discussed in this decision. I save all of Limone's rights as to those other claims and arguments, should that be necessary.

[2] Limone's codefendants at trial were Wilfred Roy French, Lewis Grieco, Henry Tameleo, Joseph L. Salvati and Ronald Anthony Cassesso. On January 4, 2001, the Commonwealth moved to vacate Salvati's conviction and for a new trial in that case. Those motions are pending.

scene.[3,4]

More specifically, 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,[5] Cassesso, Salvati, French, Grieco and others, not including Limone.[6] Stathopoulos escaped. Some time later, Barboza testified, he met with Limone, who paid him for the Deegan murder.

A jury convicted Limone on the two counts of conspiracy to commit murder and of being an accessory before the fact. Limone was sentenced to death.[7] The convictions of Limone and all the codefendants were affirmed by the Supreme Judicial Court. *Commonwealth* v. *French*,

[3] Limone testified at trial that he had been friendly with Deegan; had no alibi for March 12-13, 1965; first met Barboza in February 1965; had seen Stathopoulos with Deegan at a veterans' club and had known Grieco only from late 1965. Limone said he had met French in the Charles Street jail and had known Cassesso, Salvati and Tameleo for some years. *French*, 357 Mass. at 370 n.10; Trial Transcript, Vol. 45, pp. 6183 *et seq.*

[4] Stathopoulos subsequently cooperated with the District Attorney's office in prosecuting this case. Although he testified at trial, his testimony did not implicate Limone.

[5] Barboza pled guilty to two indictments for conspiracy on the first day of jury selection. He was murdered in 1976.

[6] Barboza mentions Vincent James Flemmi as a participant in the scheme. Flemmi, who is now deceased, was never indicted. The newly disclosed evidence reveals that Flemmi was an F.B.I. informant around the time Deegan was murdered and for a period thereafter.

[7] French, who the trial evidence showed shot Deegan, was found guilty of murder in the first degree with a recommendation that death not be imposed. Salvati was convicted of being an accessory, also with a recommendation against death. Grieco, who the evidence also showed shot Deegan, was found guilty of murder in the first degree, and Cassesso and Tameleo were found guilty as accessories. Grieco, Cassesso and Tameleo were convicted on two conspiracy indictments; each was sentenced to death.

357 Mass. 356 (1970). Limone's death sentence was vacated by the United States Supreme Court following its decision in *Furman* v. *Georgia*, 408 U.S. 238 (1972). See *Limone* v. *Massachusetts*, 408 U.S. 936 (1972).[8]

Limone's first motion for a new trial was denied in 1970, and this denial was affirmed on appeal. *Commonwealth* v. *Cassesso*, 360 Mass. 570 (1971). A petition for habeas corpus filed in the United States District Court for the District of Massachusetts was dismissed, and this dismissal was affirmed by the First Circuit Court of Appeals. *Grieco* v. *Meachum*, 533 F.2d 713 (1st Cir. 1976), *cert. denied sub nom. Cassesso* v. *Meachum*, 429 U.S. 858 (1976). Limone's second motion for a new trial was denied in 1990, and this denial was affirmed on appeal. *Commonwealth* v. *Limone*, 410 Mass. 364 (1991). Other motions for a new trial were filed in 1993 and were denied, which was also affirmed. *Commonwealth* v. *Salvati*, 420 Mass. 499 (1995).

**II. Developments Since This Motion Was Filed**

Defendant's motion for a new trial was filed on June 19, 2000. The case was assigned to me on August 2, 2000 because the trial judge (Forte, J.) had retired from the Superior Court. After a number of hearings, it became apparent that the Commonwealth had in its possession documents that the Commonwealth agreed should be made available to Limone. A discovery deadline was set, and the matter proceeded largely in compliance with that deadline. I issued an order setting forth the parties' responsibilities in compiling an itemized list of non-live evidence that would be introduced an at evidentiary hearing on this motion, should I determine an

[8] Limone was resentenced to life imprisonment.

evidentiary hearing to be appropriate.

Meanwhile, counsel for Limone had moved to intervene in *United States* v. *Stephen J. Flemmi et al.*, Crim. No. 94-10287-MLW (D. Mass.), pending before United States District Court Judge Mark L. Wolf. Judge Wolf denied intervention but indicated that certain documents might be discoverable in this proceeding. I thereafter gave notice to the United States Attorney's office of Limone's request for discovery of matters relating to the pending motion. The local United States Attorney's office agreed to review its files. This led to the parties each receiving a telephone call from John H. Durham, a Special Attorney with the United States Attorney's office. This telephone contact was followed by a letter to the parties from AUSA Durham dated December 19, 2000 enclosing 26 pages of F.B.I. documents.[9] In that letter, AUSA Durham states that in response to Limone's November 2000 request for information, F.B.I. employees assigned to the Justice Task Force began reviewing Boston F.B.I. informant, intelligence and investigative files. According to AUSA Durham, that review showed that Vincent James Flemmi was an F.B.I. informant around the time of the Deegan murder. F.B.I. focus on Flemmi as a potential source began on March 9, 1965, and the first reported contact with Flemmi as an informant was by F.B.I. Special Agent H. Paul Rico on April 5, 1965. In his letter, AUSA Durham also states that F.B.I. files show that Flemmi was contacted five times as an informant by Special Agent Rico, and that Flemmi's file was closed on September 15, 1965 after Flemmi was charged with a crime "unrelated to the Deegan murder."

AUSA Durham further states in his letter that Vincent Flemmi's F.B.I. file contains two

[9] Durham's letter and the attached F.B.I. records were admitted into evidence at the hearing on this motion.

documents relating to the Deegan murder. One is a summary of information known by the Boston F.B.I. about Flemmi's criminal activities at the time Flemmi became an F.B.I. informant. The Justice Task Force attempted to locate other investigative files that relate to the Deegan murder. Five such documents had been located as of December 19, 2000. I refer to these documents collectively as the "F.B.I. documents." These are:

(1) Memorandum dated March 15, 1965 from Special Agent Rico to the "SAC, Boston" reporting a contact with a source on March 10, 1965.

(2) Memorandum dated March 15, 1965 from Special Agent Rico to the SAC, Boston, reporting a contact with the same source on March 13, 1965.

(3) March 19, 1965 "Airtel" from SAC, Boston, to "Director, F.B.I." titled, "Criminal Intelligence Program, Boston Division" which summarizes that week's developments.

(4) Memorandum dated April 22, 1965 from a Boston "Correlator" to SAC, Boston titled "Vincent James Flemmi, Aka." which summarizes information in F.B.I. files known about Flemmi at the time he was opened as an informant.

(5) June 9, 1965 Airtel from SAC, Boston to Director, F.B.I. titled "BS 919-PC" which reports on the status of efforts to develop Vincent James Flemmi as an F.B.I. informant.

These documents are heavily redacted, and portions are of marginal legibility.[19] I summarize them below.

[19] On December 20, 2000, the District Attorney's office filed the documents received from the Justice Task Force as a pleading in this case.

AUSA Durham's letter states that there were "[s]everal impediments" to the Justice Task Force's search for records, including routine destruction of files. The result of this is that, for example, the April 22, 1965 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." However, "a case file containing information from Joseph Baron (Barboza) was located on this date, and a review of that file will begin shortly." In addition, AUSA Durham states that "it can not be stated with certainty at this time that the attached documents represent the only relevant materials in FBI files." AUSA Durham invites counsel for Limone to provide "greater specificity" as to what materials are relevant, but states that in any event the Justice Task Force will advise the parties of additional relevant documents that are discovered.

AUSA Durham included with his letter five documents, whose pages were numbered sequentially 00001 through 000026:

Document 1 is a memorandum from Special Agent Rico to the SAC, dated March 15, 1965. As noted, it states that the date of contact was March 10, 1965 and under "Titles and File [illegible] on which contacted" states "Edward [illegible] Deegan." The memorandum states:

> 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.

Document 2 is a memorandum from Special Agent Rico to the SAC dated March 15,

1965. It lists March 13, 1965 as the date of contact and "Edward F. Deegan" as the title/file on which the informant was contacted. This document states:

> 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."
>
> This information has been disseminated by SA DONALD V. SHANNON to Capt. ROBERT RENFREW (NA) of the Chelsea, Mass. PD.

Document 3 is from SAC, Boston to Director, F.B.I. (then J. Edgar Hoover). It begins by summarizing much of the information contained in the March 1965 Memoranda.[11] It then states:

---

[11] The document states:

> 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. 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" DEEGAN. Shortly thereafter the Chelsea PD found the body of DEEGAN 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

> 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.
>
> [What appears to be two paragraphs of text is redacted here].
>
> Informant also advises that [redacted] had given the "OK" to JOE BARBOZA and "JIMMY" FLEMMI to kill [redacted] who was killed approximately one month ago.

Following this is an additional page which states that it "is being deleted in its entirety for codes: F, B."

Document 4 is from "correlator" to SAC, Boston, regarding Vincent James Flemmi. It is a lengthy, heavily redacted document and need not be quoted in its entirety. Relevant portions state:[12]

> Boston airtel to Director, FBI dated 10/23/64 captioned [redacted]
> [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.
>
> Boston airtel to Director, FBI dated 10/19/64 captioned [redacted].
> [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

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necessary information to prosecute the persons responsible.

[12] The document contains what appears to be a form of document code numbers, which I omit.

leaving his fingerprints in the car in which [redacted] was murdered.

....

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].

....

Memo. of H. Paul Rico to SAC, Boston 10/8/64 and captioned: [redacted]
Informant advised 10/5/64, that he is friendly with the FLEMMI's, but VINCENT FLEMMI is an extremely dangerous individual....Informant also advised that he suspects that FLEMMI had committed several murders....Informant advised that [several lines redacted] and "JIMMY" FLEMMI wanted to be considered the "best hit man" in the area.

....

Boston airtel to Director, FBI & SACS Las Vegas, Phoenix 1/7/65 captioned: [redacted]
A review of information furnished by [redacted] on 1/4/65 reflected that Ronald Cassessa, JAMES FLEMMI, [redacted] contacted Patriarca. Cassessa told Patriarca that "that thing was straightened out." (Informant did not know what it pertained to.)

....

[Document identifying data redacted].
Gennaro J. Angiulo and Peter Limone contacted Patriarca. Angiulo stated that Larry Baione, Boston hoodlum, had contacted him when he (Baione) was released from prison concerning the loan shark business of [redacted].

Patriarca advised that [redacted] and JAMES FLEMMI, both of Boston, contacted him. This contact was arranged by Ronnie Cassessa, and Angiulo had knowledge of same.

Patriarca stated that the word was that "we" (meaning Patriarca and his group) wanted FLEMMI and [redacted] for something and consequently they both arranged the meet. [Paragraph redacted]

....

According to Angiulo, [redacted] told Peter Limone that JIMMY FLEMMI had told [redacted], "Don't worry about [redacted]," (indicating that he knew [redacted] was going to get hit.).

Boston Airtel to Director, 3/10/65 entitled: [redacted]
[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".

....

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 [redacted.] 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 [redacted] was not the same as Jerry Angiulo's.

Boston's Airtel to Director and SACS Albany, Buffalo, Miami 3/12/65 captioned: [redacted].
[Redacted] 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" [redacted] who is friendly with [redacted].

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.

.....

Memo. of [redacted] 4/6/65 captioned: [redacted]

....
PCI stated that JIMMY FLEMMA had gone to Providence just before Teddy Deegan was slain in Chelsea.

Document 5 is from SAC, Boston to Director, F.B.I. and reports on the status of efforts to develop Vincent James Flemmi as an informant for the F.B.I. Much of this document is illegible, but it provides in relevant part:

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 [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.

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.

## DISCUSSION

Massachusetts Rule of Criminal Procedure 30(b) provides that a motion for a new trial may be granted "at any time if it appears that justice may not have been done." Grounds for a new trial include newly discovered evidence and failure to disclose exculpatory evidence. Among the grounds Limone now asserts in support of his motion for a new trial is newly discovered exculpatory evidence.[13]

Limone's claim that the government improperly failed to disclose exculpatory evidence fits into a number of analytical boxes, with differing standards. On the one hand, it can be analyzed as a typical claim for a new trial based on newly discovered evidence. *Commonwealth* v. *Tucceri*, 412 Mass. 401, 408-09 (1992). Such a motion based on newly discovered evidence may be made without regard to whether that evidence was improperly withheld by the government. *Id.*; *Commonwealth* v. *Grace*, 397 Mass. 303, 305 (1986). Limone's claim can also be analyzed as a claim that there was a violation of *Brady* v. *Maryland*, 373 U.S. 83 (1963), because a *Brady* claim may be made in the context of a claim regarding newly discovered evidence. *Tucceri*, 412 Mass. 408-09. A *Brady* claim may also, however, be made even if the undisclosed evidence is not "newly" discovered. *Id.* at 409. In ruling on the pending motion, I address Limone's claim only on the newly discovered evidence ground and do not address his claim in the context of *Brady*.

### 1. Newly Discovered Evidence

A defendant seeking a new trial on grounds of newly discovered evidence must establish

[13] Limone has presented numerous other grounds. I decide his motion based only on the newly discovered exculpatory evidence. I do not reach the other grounds Limone asserts.

both that the evidence is newly discovered and that it casts "real doubt" on the justice of the conviction. *Commonwealth* v. *LeFave*, 430 Mass. 169, 176 (1999). Limone has satisfied both parts of that standard. Evidence is newly discovered when it was unavailable at the time of trial and could not have been, with reasonable diligence, discovered at trial or at the time of a prior motion for a new trial. *Id.*; *Commonwealth* v. *Moore*, 408 Mass. 117, 126 (1990); *Grace*, 397 Mass. at 306. The Commonwealth concedes that these documents are "newly" discovered.[14] The evidence "not only must be material and credible…but also must carry a measure of strength in support of the defendant's position." *Commonwealth* v. *Scanlon*, 412 Mass. 664, 680 (1992), quoting *Grace*, 397 Mass. at 305-06. Thus, if the newly discovered evidence is cumulative of evidence admitted at trial, it tends to carry less weight than evidence that is different in kind. *Scanlon*, 397 Mass. at 680. "Moreover, the judge must find there is a substantial risk that the jury would have reached a different conclusion had the evidence been admitted at trial."[15]

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[14] There is no credible evidence before me that the Suffolk District Attorney's office had actual possession of the F.B.I. documents or of the information contained therein before those documents were produced by the Justice Task Force on December 19, 2000.

[15] The Commonwealth argues that the proper standard in this regard for the trial court is whether there is a "substantial likelihood of a miscarriage of justice." That argument is based on *Commonwealth* v. *Simmons*, 417 Mass. 60, 73 (1994). In *Simmons*, the procedural posture of the case was such that the Court decided the defendant's (1) direct appeal from his conviction for murder in the first degree, (2) appeal from the denial of his motion for a new trial filed in and decided by the Superior Court and (3) appeal from the denial of his second motion for a new trial filed with an decided by a single justice of the Supreme Judicial Court. *Simmons*, 417 Mass. at 61. There, the Court held that "[w]here the prosecution denies the defendant exculpatory evidence but the defendant has not requested it or has made only a general request, *this court* will order a new trial or reduction of the verdict whenever the court concludes that there has been a substantial likelihood of a miscarriage of justice." *Id.* at 73 (emphasis added). The Court's decision was based on G.L. c. 278, § 33E. *Commonwealth* v. *Tucceri*, 412 Mass. 401, 412-13 (1992), which articulated the standard to govern motions for a new trial where the prosecution improperly failed to deliver exculpatory evidence to a defendant, involved a defendant who was not convicted of first degree murder. That case was before the Court on an appeal from the allowance of the defendant's motion for a new trial by the Superior Court; that appears to have been the defendant's first motion for a new trial and first appeal, although it was filed years after his conviction. *Id.* In *Tucceri*, the Court held that when the defendant has made no request or only a general request for exculpatory evidence, the standard for the trial court is "whether there is a substantial risk that the jury would have reached a different conclusion." *Tucceri*, 412 Mass. at 413. *Tucceri* cited *Grace*, 397 Mass. at 306, which also used the language *Tucceri* used. *Grace* involved the motion for a new

*Grace*, 397 Mass. at 306. Where, as here, I was not the trial judge, I must carefully scrutinize the trial record to determine fairly whether newly discovered evidence demonstrates that justice may not have been done. *Commonwealth* v. *Hill*, 432 Mass. 704, 710 (2000); *Commonwealth* v. *Leaster*, 395 Mass. 96, 101 (1985). I have conducted that review by reading the entire trial transcript and held several hearings.[16]

Here, the jury would likely have reached a different conclusion by this previously undisclosed evidence for two principal reasons. First, the new evidence 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 F.B.I. informant around the time of the murder.

Turning first to the Barboza issue, Barboza was a "vital, principal prosecution witness at trial." *Commonwealth* v. *Cassesso*, 360 Mass. 570, 572 (1971). In effect, "the principal issue before the jury was one of [Barboza's] credibility."[17] *Commonwealth* v. *French*, 357 Mass. 356, 397 (1970). Barboza, as noted, was the only government witness implicating Limone. If

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trial of a defendant convicted of murder in the first degree. *Grace*, 397 Mass. at 304. That motion, which did not involve exculpatory evidence allegedly withheld by the government, was filed in the Superior Court years after the defendant's conviction was affirmed by the Supreme Judicial Court. The upshot of this discussion is that it appears that it is the *Tucceri* "substantial risk" standard that governs Limone's present motion for a new trial, rather than the *Simmons* "substantial likelihood of a miscarriage of justice" standard. This is so because this case is in a procedural position similar to *Grace*, and is not part of an appeal to the Supreme Judicial Court under G.L. c. 278, § 33E, as was *Simmons*. See *Commonwealth* v. *Wright*, 411 Mass. 678, 681 (1992) (standard of review by Supreme Judicial Court of unpreserved claim of error in context of claim of ineffective assistance of counsel is "substantial likelihood of a miscarriage of justice"). This was the standard used in *Commonwealth* v. *Salvati*, 420 Mass. 499, 506 (1995). That said, however, which of these standards applies is not determinative of the issues I now consider. As I note below, see *infra* note 20, I conclude that the newly discovered evidence creates a substantial likelihood of a miscarriage of justice as well as a substantial risk that the jury would have reached a different conclusion vis-à-vis Limone.

[16] I did not review the transcript of the lengthy jury empanelment.

[17] Barboza was a "highly vulnerable" witness in another case. See *Patriarca* v. *United States*, 402 F.2d 314 (1st Cir. 1968) (where Barboza testified against defendants Patriarca as well as Cassesso and Tameleo).

Limone had had information that Patriarca set up the murder and not Limone, and that Flemmi was an F.B.I. informant, it is highly likely that the defense theory that the F.B.I. was manipulating Barboza's testimony could have been buttressed. Moreover, the newly disclosed evidence about Vincent James Flemmi would have provided Limone considerable opportunity to challenge Barboza's testimony as to Flemmi. Barboza calls Flemmi his "partner" during March of 1965, the time of the Deegan murder. Trial Transcript (hereafter the "Transcript") Vol. 34, pp. 4160-61. Barboza testified that Flemmi was at the Ebb Tide on the night of the murder. Transcript Vol. 34, p. 4167; *id.* at Vol. 35, p. 4431. But Barboza denies that Flemmi left the Ebb Tide with Barboza and the others on the night of the murder. Transcript Vol. 34, p. 4172.

In addition, the newly discovered evidence is consistent with other evidence Limone has previously submitted to the court in his prior new trial motions. For example, in an affidavit submitted in 1970, Barboza stated that he is "free from duress or coercion" and wishes "to recant certain portions of...[his] testimony...[concerning] the involvement of Henry Tameleo, Peter J. Limone, Joseph L. Salvati and Lewis Grieco in the killing of Teddy Deegan." *Cassesso*, 360 Mass. at 573. He further stated that the testimony he was offering "to give concerning the killing of...Deegan and those individuals responsible for his death will be the whole truth known to" him. *Id.* See also *id.* at 574-75 (detailing affidavit of counsel for Limone). The Supreme Judicial Court observed that this affidavit was deficient in a number of respects, but left it open to Limone and his codefendants to renew their new trial motion if they could expand on Barboza's affidavit. *Id.* at 573, 579. In an affidavit dated April 9, 1976 and submitted in 1990, Gerald Alch, Esq. states that he and Barboza had several conversations in July and August 1970

at the Massachusetts Correctional Institute in Walpole to discuss Barboza's trial testimony. Alch states that Barboza told him that "any testimony [Barboza] had given in the trial of the Deegan case which in any way implicated Peter Limone was false; that Mr. Limone was neither present at the time of the commission of said crime, nor had any knowledge thereof and was in no way involved under any circumstances which could classify him as an accessory before or after the fact." Barboza states that he was motivated at trial by his belief that implicating Limone in the murder would help him (Barboza) obtain a new identity, relocation and financial assistance from law enforcement officials.[18] He also claimed that the prosecution promised him post-trial protection. Because the promises made to him had not been kept, Barboza "felt no longer obligated to adhere to his false implication of Limone." Mem. of Decision of Dolan, J., dated Feb 13, 1990, at 9.

For these reasons, I find and rule that the F.B.I. documents are newly discovered evidence which, as both the Commonwealth and Limone state, cast "real doubt" on the justice of Limone's convictions. They are material[19] and carry a measure of strength in support of Limone's position. Thus, I find and rule that there is a substantial likelihood that the jury would have reached a different conclusion had this evidence been available at trial.[20] Accordingly, I allow the motions for a new trial and I also allow the Commonwealth's motion to vacate the convictions.

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[18] Barboza had been placed in protective custody by Federal officials before trial of this case. Transcript, Vol. 42, p. 5810.

[19] I make no finding, of course, as to the *accuracy* of the information set forth in the F.B.I. documents.

[20] I also find that the newly discovered evidence satisfies the higher standard of *Simmons*, 417 Mass. 60. The newly discovered F.B.I. documents create a substantial likelihood of a miscarriage of justice.

## II. BAIL

Also before me are motions of the defendant and the Commonwealth to admit Limone to bail. After a bail hearing and consultation with the Department of Probation, I allowed the defendant's request (which the Commonwealth did not oppose) that Limone be released on personal recognizance subject to strict conditions detailed on the record. I did so having considered the factors enumerated in G.L. c. 276, § 58 on the basis of the information before me. That information showed, among other factors, the following:

Limone is now about 65 years old. His wife, Olympia Limone, still resides in the same house in Malden, Mass. where she and Limone lived before Limone was incarcerated; she and their children have maintained contact with Limone throughout his incarceration and Limone will reside with them now. Limone has also maintained contact with his immediate and extended family during his incarceration.

I also note that the materials provided me at today's bail hearing include a commendation letter from the Superintendent of M.C.I. Norfolk to Limone. This letter expresses appreciation to Limone for his participation in resolving a hostage situation at M.C.I. Norfolk on March 6, 1975, where two correctional officers were taken hostage and later shot. The letter also states that Limone helped to resolve the situation by negotiating personally with the hostage takers. Among the other factors I take into consideration is that Limone successfully completed approximately 170 furloughs before that program was eliminated. I also take into consideration that the Commonwealth states it is not now in a position to decide whether it will prosecute Limone again on the pending indictments.

**ORDER**

For the foregoing reasons, the motion for a new trial of Peter J. Limone is **ALLOWED**; the Commonwealth's motion to vacate defendant's convictions, grant a new trial and admit Limone to bail is also **ALLOWED**.

Margaret R. Hinkle
Justice of the Superior Court

DATED: January 5, 2001

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS. SUPERIOR COURT DEPARTMENT
NO. 32368

COMMONWEALTH

v.

JOSEPH SALVATI

**NOLLE PROSEQUI**

Now comes the Commonwealth in the above-captioned matter and respectfully states that it will not prosecute Indictment No. 32368 any further.

As grounds 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 Commonwealth has concluded that it does not now have a good faith basis -- legally or ethically -- to proceed with any further prosecution of the defendant.

EXHIBIT
932

Respectfully Submitted
For the Commonwealth,

RALPH C. MARTIN, II
DISTRICT ATTORNEY

By: _____
MARK LEE
Assistant District Attorney
Homicide Unit

By: David E. Meier
DAVID E. MEIER
Chief of Homicide
One Bulfinch Place
Boston, MA 02114
(617) 619-4240

Dated: January 30, 2001

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss Superior Court

No. 32367 Criminal

COMMONWEALTH

V

PETER LIMONE

MOTION TO DISMISS

Before Hinkle, J.
Tuesday, January 30, 2001
Cambridge, Massachusetts
Pages 1 - 11

APPEARANCES:

Mark T. Lee, Assistant District Attorney
David E. Meier, Assistant District Attorney
On Behalf of the Commonwealth

William T. Koski, Esq.
Koski & Kearns, LLP
One Bowdoin Square
Boston, Massachusetts 02114
On Behalf of the Defendant

Virginia Karas
Official Court Reporter

EXHIBIT
933

behalf of the Commonwealth as well.

THE COURT: Good afternoon, counsel. Good afternoon, Mr. Limone.

We are here on a status conference, Mr. Lee?

MR. LEE: Your Honor, the Commonwealth today is before this Court seeking the entry of a nol pros in its case against Mr. Limone. In coming to this decision, the Commonwealth has relied on its comprehensive review and evaluation of the nature, quality, and sufficiency of the preexisting evidence against Mr. Limone, and, more importantly, the impact of the information contained in the newly discovered FBI documents on that preexisting evidence. The nature and the contents of the FBI documents has been the topic and subject of prior discussions, and I don't think it bears repeating what's in those documents here.

But, as a result of that review, comparison, and evaluation, the Commonwealth has concluded that it does not now have a good-faith basis, either legally or ethically, to proceed with any further prosecution of Mr. Limone. Therefore, the Commonwealth here states that it will not prosecute this indictment any further.

The Boston Globe

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Wednesday, January 31, 2001

Metro/Region

# DA: NO NEW TRIALS AGAINST 2 IN '65 CASE

Ralph Ranalli, Globe Staff

Suffolk District Attorney Ralph C. Martin II agreed yesterday not to seek new trials against two men who both spent half their lives in prison for a 1965 gangland murder they insist they did not commit.

The filing of [redacted] prosequi (non-prosecution) motions by Martin's office effectively brings to a close the 33-year effort by North End resident Joseph Salvati and Peter [redacted] of Malden to prove their innocence.

"It's finally over," Salvati, 68, said yesterday in the lobby of Middlesex Superior Court, where the motions were filed. "It's a great day. A long time coming, but it's finally here."

The documents filed by Martin's office are, in essence, a pledge by his office not to seek a new trial against the two men in the murder of small-time hoodlum Edward "Teddy" Deegan in a Chelsea alleyway.

"After a careful and thorough review of the evidence, the Commonwealth has concluded that there are not reasonable grounds, legally, ethically or morally, to proceed any further with this prosecution," Assistant District Attorney David Meier, chief of Martin's Homicide Unit, said yesterday.

Yet one of [redacted] attorneys, William Koski, said he was disappointed that Martin's office had not taken the further step of asking that the indictments against his client and Salvati be dismissed.

Lawyers for both men say that recently uncovered FBI documents strongly suggest that not only were the two men innocent, but they were framed by the bureau and its key witness in the case, underworld assassin Joseph "The Animal" Barboza

While the case may be over in criminal court, lawyers for the two men have suggested that they will file a civil suit seeking to compensate them for the decades they spent in prison.

# FBI says documents clear it of wrongdoing in '65 case

By Shelley Murphy
GLOBE STAFF

Facing the threat of a lawsuit from two men who say the FBI sat on information while they were framed for a 1965 gangland murder, the bureau insisted yesterday that documents clear it of any wrongdoing.

Last month, a judge tossed out the murder convictions of Peter Limone and Joseph Salvati after reviewing newly discovered FBI reports that had never been turned over to defense lawyers. The reports revealed that informants implicated other men — including an FBI informant — in the slaying of Edward "Teddy" Deegan.

But Charles Prouty, the special agent-in-charge of the FBI's Boston office, pointed to a section of the FBI reports that show that the information was "disseminated" to Chelsea police within days of the murder.

The FBI could not say, however, if the information was also given to the Suffolk district attorney's office, which prosecuted the case, because FBI files on the murder no longer exist. The information was never presented at trial.

"The FBI was forthcoming. We didn't conceal the information. We didn't attempt to frame anyone," Prouty said.

But lawyers who are poised to sue the FBI on behalf of Salvati and Limone said the FBI played a pivotal role in the case and had a moral and legal obligation to alert the defendants that they had information that might help prove their innocence.

Attorney Victor Garo, who represents Salvati, said, "The FBI still is in complete denial. The FBI did not want the jurors to know the truth. The truth be damned. Convictions were more important."

Attorney William Koski, who plans to file a suit on Limone's behalf within a month, said, "I think it's fairly lame to say that they're off the hook just because of some memo that suggests the FBI may have passed information to the Chelsea police."

Koski said the Chelsea police and the Suffolk district attorney's office may also have been at fault in failing to turn over information.

Limone spent 33 years in prison before his release last month. Salvati spent 30 years in prison before Governor William Weld commuted his sentence in 1997.

Two other defendants, Louis Greco of Revere and high ranking Mafioso Henry Tameleo, died in prison.

The documents show that informants told the FBI that notorious hit man turned government witness Joseph "The Animal" Barboza framed Salvati, Limone, Greco, and Tameleo for the murder, while protecting the real killers who were his friends.

Vincent "Jimmy the Bear" Flemmi, an FBI informant and brother of longtime FBI informant Stephen Flemmi, was allegedly one of the killers.

EXHIBIT
934

The Boston Globe
THURSDAY, FEBRUARY 15, 2001

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| The Estate of John L. McIntyre<br><br>by<br><br>Emily McIntyre, in her capacity as co-administrator of the Estate of John L. McIntyre, Christopher McIntyre, in his co-capacity as co-administrator,<br><br>Plaintiff<br><br>v.<br><br>United States of America<br>H. Paul Rico,<br>John Morris,<br>John J. Connolly,<br>Roderick Kennedy,<br>Robert Fitzpatrick,<br>James Ring,<br>James Greenleaf,<br>James Ahearn,<br>Kevin Weeks,<br>James Bulger,<br>Stephen Flemmi,<br>John Does, Nos. 1-50,<br><br>Defendants | ) | Civil Action No.: |

COMPLAINT

I. INTRODUCTION

1. The Estate of John L. McIntyre files this complaint, pursuant to the Federal Tort Claims Act, 28 U.S.C. §§ 2671, et seq, Chapter 229 of the Massachusetts General Laws and *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*,



403 U.S. 388 (1971), against the United States of America, eight former agents of the Boston Office of the FBI, and James Bulger, Stephen Flemmi and Kevin Weeks.

2. Plaintiff seeks redress for the kidnap, torture and murder of John L. McIntyre ("McIntyre"). As a proximate cause of the federal defendants' acts and/or omissions, McIntyre was wrongfully killed and his rights as guaranteed by the Fourth and Fifth Amendments to the United States Constitution and Massachusetts law were violated, as were the Estate's rights to redress its grievances in the courts of the United States as guaranteed by the First and Fifth Amendments to the United States Constitution.

3. Plaintiff alleges that beginning in or about 1969 and continuing up to July 6, 2000, the federal defendants conspired to protect and shield from prosecution defendants Bulger, Flemmi, Weeks and other members of the so-called "Winter Hill Organized Crime Group" in exchange for Bulger's and Flemmi's agreements to provide information to aid the FBI in its prosecution of La Costra Nostra ("LCN") – Bulger's and Flemmi's competitors in the Boston, Massachusetts Organized Crime market. It was the object of the conspiracy for the federal defendants to protect Bulger and Flemmi from arrest and prosecution in order to maintain their roles as high echelon informants, providing information to the FBI. Plaintiff alleges that the defendant United States and federal defendants knew or should have known that defendants Bulger and Flemmi were involved in violent criminal activity, including murder, extortion and assault, but despite this knowledge failed or refused to investigate Bulger and Flemmi's criminal activity for purposes of prosecution because, if prosecuted, the federal defendants would lose Bulger and Flemmi's services as informants.

4. The Complaint alleges that the defendant United States continued to utilize Bulger and Flemmi as top echelon informants, even though they had been involved in approximately 23 murders, including at least two persons who were directly cooperating with the FBI at the time of their execution. Furthermore, the complaint alleges that the federal defendants failed to control the criminal activities of Bulger and Flemmi; failed to enforce the Attorney General Guidelines concerning high echelon informants; violated the Attorney General's Regulations and Policies by failing to inform appropriate law enforcement authorities of the criminal activities of Bulger and Flemmi; failed to properly supervise federal agents, including Connolly and Morris in their handling of Bulger and Flemmi as top echelon informants; and failed to investigate for purposes of prosecution the circumstances of McIntyre's disappearance and death.

5. For 15 years, the family of John L. McIntyre was ignored by the FBI, except for a brief early visit, following his murder, when the FBI claimed that McIntyre was alive and a fugitive. On September 15, 1999, the United States District Court for the District of Massachusetts issued an opinion that disclosed, for the first time, the FBI's role and involvement in the murder of John L. McIntyre and others. Four months following the court's order, the bones of John L. McIntyre were uncovered in a shallow make-shift grave in Dorchester, Massachusetts.

6. This complaint closely follows the findings and rulings of the United States District Court for the District of Massachusetts. See *United States v. Salemme*, 91 F.Supp. 2d 141 (D. Mass. 1999). The Complaint incorporates by reference and includes herein the findings and rulings contained in that order, as well as the facts and circumstances set forth in *United States v. Kevin J. Weeks*, 00-10245-RGS, and *United*

*States v. Kevin F. O'Neil, James J. Bulger and Stephen J. Flemmi*, 99-10371-RGS, charging Weeks, Bulger and Flemmi with the murder of John L. McIntyre.

II. PARTIES

7. Emily McIntyre and Christopher McIntyre in their capacities as co-administrators of the Estate of John L. McIntyre bring this action on behalf of the Estate. The Estate is being probated in Norfolk County Probate Court, Commonwealth of Massachusetts. The co-administrators duly are qualified and duly authorized to maintain this action.

8. The United States of America ("United States") is a defendant in this action pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671 et seq. arising from the acts and/or omissions of employees and agents of the Federal Bureau of Investigation ("FBI"), an agency of defendant, and a party defendant for claims arising from Chapter 229 of the Massachusetts General Laws in which individual agents of the FBI are named as defendants for negligent or wrongful acts or omissions while acting within the scope of their office or employment by the FBI, a federal agency pursuant to 28 U.S.C. § 2671 et seq.

9. Defendant H. Paul Rico ("Rico") is a resident of Florida. During all times alleged in this complaint, Rico was acting within the scope of his office or employment as a Special Agent of the FBI. Rico is sued individually and in his official capacity.

10. Defendant John Morris ("Morris") resides in a location presently unknown. During all times alleged in this complaint, Morris was acting within the scope of his office or employment as a Special Agent of the FBI. Morris is sued individually and in his official capacity. From 1970 until in or about December 1995, Morris was an

FBI Special Agent. From approximately March 1972 until approximately November 1991, Morris was assigned to the FBI's Boston field office. For much of that time, Morris was a supervisory special agent, and, between December 1977 and January 1983 was the direct supervisor of John J. Connolly, Jr. on the FBI's organized crime squad.

11. Defendant, John J. Connolly, Jr. ("Connolly") is a resident of Lynnfield, Massachusetts. During all times alleged in this complaint, Connolly was acting in the scope of his office or employment as a Special Agent of the FBI. Connolly is sued individually and in his official capacity. From November 1968 to December 1990, Connolly was a Special Agent of the FBI. From February 1973 until his retirement in December 1990, Connolly was assigned to the Boston Office of the FBI.

12. Defendant Roderick Kennedy ("Kennedy") is a resident of Quincy, Massachusetts. During all times alleged in this complaint, Kennedy was acting within the scope of his office or employment as a Special Agent of the FBI. Kennedy is sued individually and in his official capacity.

13. Defendant Robert Fitzpatrick ("Fitzpatrick") resides in a location presently unknown. During all times alleged in this complaint, Fitzpatrick was acting within the scope of his office or employment as a Special Agent of the FBI. Fitzpatrick is sued individually and in his official capacity.

14. Defendant James Ring ("Ring") is a resident of Boston, Massachusetts. During all times alleged in this complaint, Ring was acting within the scope of his office or employment as a special agent of the FBI. Ring is sued individually and in his official capacity. In or about January 1983, Ring became the supervisory Special Agent of the

Organized Crime Squad for the Boston Office of the FBI. Ring retired from the FBI in or about 1990. During the time of his tenure, John L. McIntyre was murdered.

15. Defendant James Greenleaf ("Greenleaf") is a resident of Scarborough, Maine. During all times alleged in this Complaint, Greenleaf was acting within the scope of his office or employment as a Special Agent of the FBI. Greenleaf is sued individually and in his official capacity. During pertinent times alleged in the Complaint, Greenleaf was the FBI Special Agent in charge of the Boston Office commencing in November 1982 and served in that capacity until December 1986. During the time of his tenure John L. McIntyre was murdered.

16. Defendant James Ahearn ("Ahearn") resides in a location presently unknown. During all times alleged in this complaint, Ahearn was acting within the scope of his office or employment as a Special Agent of the FBI. Ahearn is sued individually and in his official capacity. During pertinent times alleged in the Complaint, Ahearn was Special Agent in charge of the Boston FBI Office.

17. Defendant James Bulger ("Bulger" a/k/a "Whitey") is a resident of South Boston, Massachusetts, and for the periods alleged in the complaint was a member of the Winter Hill Gang, a criminal organization that engaged in multiple crimes, including murder, bribery, extortion, loan sharking, and illegal gambling in the greater Boston, Massachusetts area ("Winter Hill Gang" or "Bulger Group"). Bulger was officially opened as a confidential informant for the FBI in 1975 and became a top echelon informant for the FBI in February 1976. Bulger is now a fugitive from justice. Bulger has been indicted for aiding and abetting in the murder of John L. McIntyre. *United States v. O'Neil*, 99-CR-10371-RGS, Superseding Indictment.

18. Kevin Weeks ("Weeks") is a resident of Quincy, Massachusetts and was a member of the Winter Hill Gang. On or about July 6, 2000, Weeks entered into a written plea agreement with the United States acknowledging his role in the murder of John McIntyre. On or about July 12, 2000, a superseding information was filed in this Court in *United States v. Kevin J. Weeks*, 00-10245-RGS, alleging in part, that Weeks aided and abetted in the murder of McIntyre.

19. Defendant Stephen Flemmi ("Flemmi") is a resident of Boston, Massachusetts and also was a member of the Winter Hill Gang. In or about September 1980, Connolly officially registered Flemmi as a confidential informant for the FBI. Flemmi has been indicted for aiding and abetting in the murder of John L. McIntyre in *United States v. O'Neil*, 99-CR-10371-RGS, Superseding Indictment.

20. John Does Nos. 1 through 50 are persons presently unknown to the plaintiff who, violated the plaintiff's rights as guaranteed by the United States Constitution and Massachusetts law and/or conspired with others to do so. The John Does may be private individuals, state officials or agents of the United States Government who acted in concert with the federal officials named in this Complaint to deny plaintiff its rights guaranteed by the United States Constitution and Massachusetts law. Based on information and belief, the John Does and other persons, both known and unknown, actively participated in, ratified, or otherwise implemented the conspiracy alleged herein. Plaintiff believes that the conduct and statements of these individuals in furtherance of the conspiracy alleged herein are admissible against the named defendants, but further states that it may request leave to amend the Complaint as appropriate.

Amendment to the United States Constitution and/or its right not to be deprived of property without due process of law as secured by the Fifth Amendment to the United States Constitution in that the Estate was deprived its right to seek a civil remedy from 1984 to the date of this Complaint for the kidnapping, torture and murder of John L. McIntyre resulting in lost damages.

475. The actions of the defendants Morris, Connolly, Kennedy, Fitzpatrick, Ring, Greenleaf and Ahearn, alleged above, were an extreme deviation from reasonable standards of conduct, undertaken intentionally with actual malice, and/or with a reckless disregard for their likely consequences. As a result, the plaintiff is entitled to an award of punitive damages.

**Count XIII – Reasonable Attorney's Fees and Cost of Suit – Defendants United States, Rico, Morris, Connolly, Kennedy, Fitzpatrick, Ring, Greenleaf and Ahearn**

476. The plaintiff incorporates the facts alleged in paragraphs 1-475 of this Complaint and repeats and recites all previous allegations as if fully set forth herein.

477. The plaintiff has been required to retain the services of counsel to prosecute the present lawsuit.

478. The actions of the Defendants alleged above were in no instance substantially justified under the circumstances. The Estate is therefore entitled to an award of reasonable attorneys' fees and costs of suit in prosecuting the present action, under the provisions of the Equal Access to Justice Act, 28 U.S.C. § 2412; F.R.Civ.P. 54; and pursuant to other provisions of law.

WHEREFORE, the plaintiff demands judgment against defendants as follows:

A. Damages in the amount of $50,000,000.00;

B. Plaintiff's costs and reasonable attorneys' fees in this action; and

C. Such other and further relief as the Court deems just and proper.

PLAINTIFF DEMANDS A JURY TRIAL ON ALL ISSUES SO TRIABLE.

Respectfully submitted,
The Estate of John L. McIntyre
By Their Attorneys
SHAHEEN & GORDON, P.A.

Dated: March 2, 2001

By:_____
William E. Christie #566896
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P.O. Box 2703
Concord, NH 03302-2703
(603) 225-7262

and

LANE, ALTMAN & OWENS

Dated: March 2, 2001

By:_____
Jeffrey A. Denner #120520
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Boston, MA 02110
(617) 345-9800

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Saturday, March 24, 2001

**Salemme** claim of FBI frame-up draws criticism from prosecutors

BOSTON (AP) - Francis P. "Cadillac Frank" **Salemme's** claim that he was framed for a 1968 car bombing is not sitting well with federal prosecutors.

In 1999, **Salemme**, 67, pleaded guilty to racketeering in connection with a conspiracy to murder attorney John Fitzgerald. In return, he agreed to testify against former Federal Bureau of Investigation agent John Connolly and Winter Hill Gang leaders Stephen "The Rifleman" Flemmi and James J. "Whitey" Bulger.

Now, **Salemme** claims the FBI pressured a witness to lie in order to protect Flemmi, an informant, and make sure he went to prison. He filed a habeas corpus petition making the claim on March 12.

"Tellingly, **Salemme** never claims that he is actually innocent of participating in the conspiracy to murder Fitzgerald," U.S. Attorney Donald K. Stern's office said in a motion filed Friday.

Prosecutors also said **Salemme** "was aware of the various issues surrounding Robert Daddieco at the time **Salemme** pleaded guilty." They said **Salemme's** petition should be rejected because his allegations, even if accepted as true, do not entitle him to any relief.

Both **Salemme** and Flemmi were indicted for the crime, based on information provided by witness Robert Daddieco. **Salemme** was convicted in 1973 and served 15 years in prison for the 1968 bombing, which tore off one of Fitzgerald's legs. But Flemmi fled - tipped off, says **Salemme's** attorney, Anthony Cardinale, by FBI agent H. Paul Rico.

In 1999, U.S. District Court judge Mark Wolf ruled that Rico aided the unlawful flight of a fugitive by warning Flemmi of the impending indictments.

In 1998, Flemmi testified that he returned after Rico told him Daddieco had recanted his testimony and the charges were bring dropped.




---- INDEX REFERENCES ----

KEY WORDS: AP STATE WIRES: MASSACHUSETTS

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Tuesday, March 13, 2001

NEWS

# **Salemme** claims FBI fudged evidence against him

J.M. LAWRENCE

The head of the New England Mob wants a federal judge to spring him from prison based on claims that the government framed him for a 1968 car bombing that left an attorney crippled.

In a motion filed Friday in federal court, attorneys for Francis P. "Cadillac Frank" **Salemme** want the chance to prove that former FBI agents manipulated the key witness in the case to nail the crime boss for the explosion.

"The government literally suborned perjury in order to frame him in the state case," said **Salemme** attorney Anthony P. Cardinale in an interview last week.

**Salemme** spent 17 years in prison for the bombing that critically wounded attorney John **Fitzgerald** on Jan. 30, 1968. **Salemme** is now serving 11 years on racketeering charges.

"We're asking the judge for whatever relief he finds appropriate," Cardinale said.

According to federal documents obtained by the Herald, **Salemme** has already agreed to help a U.S. corruption task force probe alleged wrongdoing by former FBI agents and their gangster informants James "Whitey" Bulger and Steven "The Rifleman" Flemmi.

The gangsters were his cohorts in bookmaking and extortion for years while secretly working as informants. One of their handlers - retired agent John Connolly - has been indicted for allegedly covering up Bulger gang crimes. Connolly denies the charges.

The government also has turned to **Salemme** for help in probing the career of legendary agent H. Paul Rico, who served as Flemmi's handler in the late 1960s.

The special task force is uncovering evidence that the FBI manipulated the bombing case to convict **Salemme** while protecting Flemmi, according to **Salemme**'s motion.



Flemmi was originally indicted in the bombing but never stood trial.

The key witness in the bombing case, Robert Daddieco, "was induced to commit perjury on several occasions by the FBI in order to shield Flemmi and to ensure the defendant's wrongful conviction," Cardinale said in his motion.

"The FBI in the mid-1980s continued its misconduct with regard to Daddieco, by ensuring that any information regarding the prior subornation of perjury remained secret," the motion says.

The FBI and the U.S. Attorney's Office has declined comment on matters related to the task force.

Judge Mark L. Wolf has ordered U.S. attorneys to respond to **Salemme's** petition by March 23.

Reacting to news of **Salemme's** agreement to help federal investigators, legal sources yesterday said the Mob boss will walk a tightrope if he ever takes the stand as the government's witness.

Defense attorneys could question him about Mob activities as they seek to undermine his credibility, one defense attorney said.

"He can't take the Fifth," the attorney said. "He'd have to give up the whole damn Mafia."

**Salemme's** attorney argues that the new information about the FBI's alleged role in the 1968 case would have changed **Salemme's** 1999 plea bargain. He pleaded guilty to racketeering acts, including two involving the bombing.

"Had we known about this information in a timely manner, we would have succeeded in having the entire case thrown out because of the blatant misconduct on the part of the government," Cardinale said.

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Caption: **SALEMME:** Says he was framed in 1968 bombing case.

---- INDEX REFERENCES ----

NAMED PERSON: CARDINALE, ANTHONY

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

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Metro/Region

SALEMME REPORTEDLY TO TESTIFY AGAINST BULGER
Ralph Ranalli, Globe Staff

Former New England Mafia boss Francis P. "Cadillac Frank" **Salemme** has agreed to be a witness for the government against two fellow underworld figures and two FBI agents, and is also making a bid to attack the conviction on which he is imprisoned, according to sources and court documents.

Sources yesterday confirmed a published report in the Boston Herald that **Salemme**, 67, has agreed to testify against former FBI Special Agents John Connolly and H. Paul Rico and their informants, South Boston crime boss James "Whitey" Bulger and his longtime partner-in-crime, Stephen "The Rifleman" Flemmi.

Connolly, Bulger, and Flemmi have been indicted on racketeering charges in connection with their work for the FBI's Top Echelon Informant Program, which authorized FBI agents to recruit high-ranking members of mob groups as sources of information.

Connolly has been accused of breaking the law by leaking the names of other informants to Bulger and Flemmi and warning them of impending indictments.

**Salemme** testified before a grand jury last year that Connolly gave him a similar warning of an impending 1995 indictment.

The sealed document containing information about **Salemme's** offer to repeat his grand jury testimony in court was apparently inadvertently left open for public inspection last week.

Meanwhile, **Salemme** has filed a federal petition that claims the FBI, in an effort to protect Flemmi, pressured Robert Daddieco to commit perjury several times in the court case related to the 1968 attempted murder of Everett defense lawyer John E. **Fitzgerald**, who was maimed in a car bombing.

**Salemme** was convicted of attempted murder in the **Fitzgerald** case and served 15 years in prison.

In a December 1999 plea agreement, **Salemme** pleaded guilty to racketeering, loansharking, and extortion. In return, prosecutors

agreed to drop murder charges against him. He is currently serving an 11-year sentence in that case.

The racketeering charges were based, in part, on the **Fitzgerald** bombing allegations. By challenging them, **Salemme** could reopen his case and negotiate a lesser sentence. In his filing, **Salemme** asks the court to grant him "whatever relief it deems appropriate" because of what he calls FBI misconduct.

Daddieco was recruited by Rico, who signed on Flemmi as an informant in the 1960s. Rico is being investigated in connection with the 1981 mob murder of Roger Wheeler, a millionaire from Tulsa, Okla.

Material from the Associated Press was used in this report.

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Caption: WITNESS FOR THE PROSECUTION /Francis P. "Cadillac Frank" **Salemme**, shown in a 1995 booking photo, has reportedly agreed to testify against reputed mobsters James "Whitey" Bulger and Stephen "The Rifleman" Flemmi. B2

---- INDEX REFERENCES ----

NAMED PERSON: CONNOLLY, JOHN; RICO, H PAUL; BULGER, JAMES J; **FITZGERALD, JOHN**

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

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| PATRICIA DONAHUE, Individually, and in her Capacity as Administratrix of the Estate of MICHAEL J. DONAHUE, MICHAEL T. DONAHUE, SHAWN DONAHUE, and THOMAS DONAHUE, Plaintiffs, | ) | CASE NO.: 01CV10433 MLW |
| v. | ) | |
| FEDERAL BUREAU OF INVESTIGATION, JOHN J. CONNOLLY, JR., JOHN M. MORRIS, LAWRENCE SARHATT, and ROBERT FITZPATRICK,[1] Defendants. | ) | |

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## COMPLAINT AND DEMAND FOR JURY TRIAL

## INTRODUCTION

This Complaint arises out of the murder of Michael J. Donahue, which occurred on May 11, 1982. The plaintiffs are the wife and children of Mr. Donahue, and Mr. Donahue's estate. It is alleged that the named defendants, former supervisors and agents of the Boston Field Office of the Federal Bureau of Investigation ("FBI-Boston"), along with the Federal Bureau of Investigation ("FBI") caused Mr. Donahue's murder, which was physically committed by James J. Bulger.

[1] The plaintiffs intend at to amend their Complaint at a later date, as discussed *infra*, to add the United States of America as a party-defendant.

EXHIBIT
938

By this action, the plaintiffs seek redress for the defendants' unlawful and inappropriate actions which resulted in Michael J. Donahue's murder, including, *inter alia*, violations of the plaintiffs' Constitutional rights under Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971), violations of the federal Racketeering Influenced and Corrupt Organizations Act, 18 U.S.C., § 1961 et seq. ("RICO"), conspiracy violations, and violations of state law. As predicate acts of RICO, the plaintiffs detail twenty-six (26) distinct racketeering acts committed by the defendants among which the plaintiffs charge that Connolly and Morris are indictable under Massachusetts Law for the murder of Michael J. Donahue, pursuant to G.L. c. 265 § 1 and G.L. c. 274 § 2 as accessories before the fact of Mr. Donahue's murder, and are additionally indictable as accessories after the fact of Mr. Donahue's murder, pursuant to G. L. c. 274, § 4.

Furthermore, concurrently with the filing of this Complaint, plaintiffs served a Presentment of Claims letter upon the Federal Bureau of Investigation ("FBI"), the Boston Field Office of the FBI, and the United States Department of Justice ("DOJ") under the Federal Tort Claims Act, 28 U.S.C. § 1346 and §§ 2671 et seq, pursuant to 29 U.S.C. § 2675. Should this claim be denied or upon the expiration of six months, the plaintiffs intend to amend their Complaint to include appropriate claims under the FTCA against the FBI, DOJ and the United States Government. FTCA claims are expressly and intentionally omitted from the instant Complaint.

Many of the factual allegations herein are intentionally duplicated and/or paraphrased from the factual findings of the Honorable Judge Mark L. Wolf, United States District Court for the District of Massachusetts, found in the Court's Order of

September 15, 1999 at *United States v. Salemme et al*., 94-CR-10287, 91 F.Supp 2d 141 (D. Mass. 1999) ("*Judge Wolf's Findings*").[2,3] As to the RICO allegations contained herein, and many of the facts underlying the entirety of the plaintiffs' allegations, this Complaint is also intentionally patterned after, and at times duplicated verbatim from, the United States Government's superceding indictment which was returned by the Grand Jury and filed on October 11, 2000 in *United States v. John J. Connolly, Jr. et al*, U.S District Court for the District of Massachusetts, Docket No. 99-CR-10428-JLT (Paper #158) (the "*Connolly Indictment*").[4]

## THE PARTIES

1. The plaintiff Patricia Donahue is a natural person and a citizen of the United States of America, and maintains legal residence at Randolph, Norfolk County, in the Commonwealth of Massachusetts.

2. Patricia Donahue is the duly appointed administratrix of the estate of Michael J. Donahue. Michael J. Donahue, at all times during his natural life, was a natural person and a citizen of the United States of America.

3. Patricia and Michael J. Donahue were legally married at the time of Michael J. Donahue's death.

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[2] Citations to Judge Wolf's findings utilize page number references from the Federal Supplement. The Court's internal citations to Exhibits and Transcripts, which are included within Judge Wolf's findings, are omitted throughout this Complaint.

[3] The plaintiffs allege and argue that the Government (along with its agents and agencies) is bound by these findings of fact as it was a party to this previous criminal litigation, and that CONNOLLY, MORRIS, SARHATT, and FITZPATRICK are bound by their testimony in this proceeding.

[4] Upon information and belief, this indictment and others were based on information gathered and verified during investigations, some of which remain ongoing, into corruption at the Boston Office of the FBI, accomplished by the Office of the United States Attorney. The plaintiffs therefore have requested herein as a prayer for relief that the Government, and Connolly if he is found guilty in said criminal proceeding, be estopped and precluded by law from denying the essential truth of these allegations. See and compare 18 U.S.C. § 1964(d).

4. The plaintiff Michael T. Donahue is a natural person and a citizen of the United States of America, and resides in Boston, Suffolk County, in the Commonwealth of Massachusetts. Michael T. Donahue is the biological son of Patricia and Michael J Donahue, and was a minor at the time of Michael J. Donahue's death.

5 The plaintiff Shawn Donahue is a natural person and a citizen of the United States of America, and resides in Holbrook, Norfolk County, in the Commonwealth of Massachusetts. Shawn Donahue is the biological son of Patricia and Michael J. Donahue, and was a minor at the time of Michael J. Donahue's death.

6. The plaintiff Thomas Donahue is a natural person and a citizen of the United States of America, and resides in Randolph, Norfolk County, in the Commonwealth of Massachusetts. Thomas Donahue is the biological son of Patricia and Michael J. Donahue, and was a minor at the time of Michael J. Donahue's death.

7. The defendant John J. Connolly, Jr. ("CONNOLLY") is a natural person and resides, upon information and belief, at 400 Main Street, in Lynnfield, Essex County, Massachusetts.

8. The defendant John M. Morris ("MORRIS") is a natural person and resides at an unknown location within the United States.

9. The defendant Lawrence Sarhatt ("SARHATT") is a natural person and resides at an unknown location within the United States.

10. The defendant Robert Fitzpatriek ("FITZPATRICK") is a natural person and resides at an unknown location within the United States.

11. The Federal Bureau of Investigation is an agency of the Executive Branch of the United States Government. The Federal Bureau of Investigation ("FBI") is the

principal investigative arm of the United States Department of Justice ("DOJ") created pursuant to Title 28, United States Code (U.S. Code), Section 533, by the United States Attorney General.

## JURISDICTION AND VENUE

12. As the instant action is brought pursuant to, *inter alia*, the Constitution and laws of the United States of America, including the Racketeering Influenced and Corrupt Organizations Act,18 U.S.C. § 1961 et seq., this Court has jurisdiction over the Counts stated in this Complaint pursuant to 18 U.S.C. § 1964 and 28 U.S.C. §§ 1331, 1343 and 1367.

13. Venue is properly within the District of this Court pursuant to 18 U.S.C. § 1965(a) and 28 U.S.C. 1391 et seq.

14-15. **Reserved.**

## GENERAL ALLEGATIONS

### A. Participants and the Relationship between FBI – Boston and Organized Crime

16. The defendant CONNOLLY became a Special Agent of the Federal Bureau of Investigation ("FBI") in November 1968. From February 1973 until his retirement in December 1990, CONNOLLY was assigned to the Boston Field Office of the FBI. See *Connolly Indictment*, at 1.[5]

[5] *United States v. John J. Connolly, Jr. et al*, U.S. District Court for the District of Massachusetts, Docket No. 99-CR-10428-JLT, Paper # 158, Superceding Indictment, returned and filed October 11, 2000. The plaintiffs expressly incorporate the entirety of this superceding indictment herein.

17. From 1970 until in or about December 1995, the defendant MORRIS was an FBI Special Agent. From approximately March 1972 until approximately November 1991, MORRIS was assigned to the FBI's Boston Field Office ("FBI-Boston"). At all relevant times, MORRIS was a Supervisory Special Agent and the direct supervisor of CONNOLLY as head of FBI-Boston's Organized Crime Squad.

18. The defendant SARHATT was, at all relevant times beginning in 1979, the Special Agent in Charge ("SAC") of FBI-Boston, and therefore the supervisor of CONNOLLY and MORRIS. In this role, SARHATT was first in command of FBI-Boston.

19. The defendant FITZPATRICK was, at all relevant times beginning in January 1981, the Assistant Special Agent in Charge ("ASAC") of FBI-Boston, and therefore the supervisor of CONNOLLY and MORRIS. In this role, FITZPATRICK was second in command of FBI-Boston.

20. At all times material to this Complaint, James J. Bulger ("Bulger") and Stephen Flemmi ("Flemmi") were leaders of the Winter Hill Gang, "a clandestine criminal organization that engaged in multiple crimes, including murder, bribery, extortion, loan sharking, and illegal gambling in the greater Boston, Massachusetts area." *Connolly Indictment*, at 1-2.

21. At all times material to this Complaint, Bulger and Flemmi were confidential informants for the FBI, and in this role, CONNOLLY acted as their FBI informant "handler." MORRIS, as CONNOLLY's supervisor on the Organized Crime Squad, was responsible for directly supervising this relationship, and supervising CONNOLLY. SARHATT and FITZPATRICK, as heads of FBI - Boston, were

responsible for supervising both MORRIS and CONNOLLY, and these agents' relationship with Bulger and Flemmi.

22. Over the same period of time, however, CONNOLLY and MORRIS were receiving and accepting bribes from Bulger and Flemmi, intended to induce and influence CONNOLLY and MORRIS to provide confidential law enforcement information to Bulger and Flemmi in order to protect their criminal activities. See *Connolly Indictment*, at 4-5. Furthermore, over the same period of time, MORRIS was accepting bribes from and through CONNOLLY, intended to additionally protect CONNOLLY's own criminal activities. *Id.*

23. In exchange for these bribes, CONNOLLY and MORRIS, in knowing and willful violation of their responsibilities as FBI agents, were unlawfully providing Bulger and Flemmi with confidential information regarding ongoing law enforcement initiatives and confidential law enforcement informants, were unlawfully omitting material information from official FBI documents regarding Bulger and Flemmi, and were failing to report information relating to Bulger and Flemmi related to their criminal activity, and relating to ongoing investigation of criminal activity in the Boston area, in order to protect their criminal activities, and continue the relationship involving bribes. See *Connolly Indictment*, at 4-5. CONNOLLY and MORRIS also facilitated and encouraged the prosecution of innocent persons for the crimes of Bulger, Flemmi, and their associates, again in order to protect the illegal activity of Bulger and Flemmi and continue the relationship involving bribes.

24. By providing confidential law enforcement information to known organized crime figures, knowing that the information would be used to commit further

crimes, CONNOLLY and MORRIS intentionally and recklessly disregarded, and in fact violated, the Constitutional civil rights of private citizens. This activity was an extreme deviation from reasonable standards of conduct, and includes the affirmative actions of CONNOLLY and MORRIS in providing information to Bulger and Flemmi which directly lead to the murders of Michael J. Donahue and Edward Brian Halloran.

25. Over the same period of time, SARHATT, FITZPATRICK and MORRIS, each a supervisory official of the FBI, and the FBI itself, each demonstrated a knowing and/or reckless indifference to the extended pattern of unlawful and inappropriate conduct perpetrated by CONNOLLY and others, and in doing so, recklessly disregarded, and in fact violated, the Constitutional civil rights of private citizens. Additionally, SARHATT and FITZPATRICK, each the supervisor of MORRIS, and the FBI itself, each also demonstrated a knowing and/or indifference to the extended pattern of unlawful and inappropriate conduct perpetrated by MORRIS and others, and in doing so, recklessly disregarded, and in fact violated the Constitutional civil rights of private citizens. This activity, and/or inactivity was an extreme deviation from reasonable standards of conduct, and includes the pattern and practice of allowing and aiding the ongoing criminal activity of Bulger and Flemmi, allowing and encouraging the unlawful and inappropriate actions of CONNOLLY, MORRIS and others, encouraging, promoting and maintaining the unlawful and inappropriate relationship between CONNOLLY, MORRIS, Bulger, and Flemmi, intentionally, knowingly and/or recklessly failing to train, monitor, supervise, control, and sanction CONNOLLY, MORRIS and others, failing to establish adequate policies and procedures pertaining to the informant/handler relationship and intentionally failing to implement and enforce the policies and

procedures which were in place, and generally fostering an environment at FBI - Boston in which agents were allowed and encouraged to engage in unlawful and inappropriate activities which were likely to, and did, result in the violation of private citizens Constitutional civil rights. This includes the knowing and/or reckless disregard of the affirmative actions of CONNOLLY, MORRIS and others, in providing information to Bulger and Flemmi which directly lead to the murders of Michael J. Donahue and Edward Brian Halloran.

**B. Mr. Donahue's Murder**

26. At all relevant times, Edward Brian Halloran ("Halloran" or "Brian Halloran") was a criminal associated with Bulger and Flemmi. *United States v. Salemme*, 91 F.Supp.2d 141, at 185, 208-209.[6]

27. "In or about January 1982, Brian Halloran approached the FBI in Boston and offered to cooperate in the investigation of the Roger Wheeler homicide." *Connolly Indictment*, at 11.

28. Immediately prior to his death, Roger Wheeler was a businessman who owned World Jai Alai, a legal sport and gambling enterprise doing business in Florida and Connecticut. *United States v. Salemme*, 91 F.Supp.2d 141, at 208. Wheeler suspected that John Callahan, the President of World Jai Alai and an associate of Halloran, Bulger and Flemmi, "was skimming money from World Jai Alai for himself and [these] members of the Winter Hill Gang...." *United States v. Salemme*, 91

[6] United States District Court for the District of Massachusetts, Docket No. 94-CR-10287. As noted, hearings conducted by Judge Wolf in this case culminated in the decision of the Court found at *United States v. Salemme*, 91 F.Supp.2d 141 (D. Mass. 1999). The plaintiffs expressly incorporate the entirety of Judge Wolf's Findings herein.

F.Supp 2d 141, at 208-209. After ordering an audit and firing Callahan, "Wheeler was shot and killed as he left his golf club in Tulsa [, Oklahoma]." *United States v. Salemme*, 91 F.Supp.2d 141, at 208, 209, *Connolly Indictment*, at 10

29. "Based on descriptions provided by witnesses, Bulger, Flemmi, and John Martorano, [a member of the Winter Hill Gang and] a fugitive, became prime suspects." *United States v. Salemme*, 91 F.Supp.2d 141, at 209.

30. "Among other things, Halloran told [the FBI] that he had met Bulger and Flemmi at Callahan's apartment and was asked if he was willing to murder Wheeler," *United States v. Salemme*, 91 F.Supp.2d 141, at 209.

31. Halloran also "told FBI agents ... that Bulger and Flemmi, along with John Callahan and John Martorano ... had [in fact] caused Roger Wheeler to be murdered." *Connolly Indictment*, at 11.

32. "[One of the FBI agents who interviewed Halloran] consulted MORRIS, as the supervisor of the Organized Crime squad, to get his assessment of Halloran's reliability as a potential witness. [The Agent] told MORRIS about Halloran's allegations concerning Bulger and Flemmi." *United States v. Salemme*, 91 F.Supp.2d 141, at 209.

33. "MORRIS realized that Halloran's allegations threatened their [Bulger and Flemmi's] futures as FBI informants...." *United States v. Salemme*, 91 F.Supp.2d 141, at 209. Halloran's allegations, therefore, threatened the relationship between CONNOLLY, MORRIS, Bulger, and Flemmi.

34. "MORRIS and CONNOLLY did not want to lose their prize sources, who were important to their investigations, and to their own status and future careers in the FBI." *United States v. Salemme*, 91 F.Supp.2d 141, at 209. Furthermore, MORRIS and

CONNOLLY were receiving bribes from Bulger and Flemmi, and any investigation might disclose past bribes and/or preclude future bribes

35 "MORRIS [therefore] told [the Agent interviewing Halloran] that Halloran was untrustworthy and unstable, and would not be a believable witness." *United States v. Salemme*, 91 F.Supp.2d 141, at 209. And while the FBI in Oklahoma City had expressed interest in Halloran, *United States v. Salemme*, 91 F.Supp.2d 141, at 209, upon information and belief, no Oklahoma agents were ever informed of Halloran's discussions with the FBI in Boston.[1]

36. "MORRIS, however, told CONNOLLY that Halloran was speaking with [the FBI], and of the information he was providing about Bulger and Flemmi." *United States v. Salemme*, 91 F.Supp.2d 141, at 209. Specifically, MORRIS "told CONNOLLY that Halloran had implicated Bulger and Flemmi in the Roger Wheeler homicide." *Connolly Indictment*, at 11.

37. "MORRIS expected [and anticipated] that CONNOLLY would tell Bulger and Flemmi about Halloran's charges," knowing "that doing so would endanger Halloran." *United States v. Salemme*, 91 F.Supp.2d 141, at 209. Specifically, MORRIS knew that Bulger would retaliate against Mr. Halloran, to prevent Mr. Halloran from fully informing on Bulger and later testifying in Court regarding the Wheeler murder.

38. "CONNOLLY [in turn and as expected] told Bulger and Flemmi about Halloran's cooperation and claims." *United States v. Salemme*, 91 F.Supp.2d 141, at 209. CONNOLLY also knew that Bulger would retaliate against Mr. Halloran, to prevent Mr

[1] Judge Wolf's Findings indicate that "no evidence was introduced [at hearing] indicating that any of [the Oklahoma FBI Field Office's] agents were informed of Halloran's discussions with the FBI in Boston." *U.S. v. Salemme*, 91 F.Supp.2d 141, at 209.

Halloran from fully informing on Bulger and later testifying in Court regarding the Wheeler murder.

39. "In early May 1982, the FBI denied Halloran's request to be placed in the Witness Protection Program and told him that his relationship with the FBI was terminated." *United States v. Salemme*, 91 F.Supp.2d 141, at 209.

40. The FBI and its supervisory officials, however, knew of the danger to Halloran and those around him, and recklessly and intentionally disregarded this danger. In the hearing preceding Judge Wolf's Findings, Former United States Attorney William Weld testified that: "[J]ust a few days before Mr. Halloran [and Mr. Donahue were] killed, I was having a conversation with Mr. Fitzpatrick, who was the Assistant Special Agent in Charge of the FBI. And [Mr. Fitzpatrick] said to me: 'You know they always say there's a danger for this; they may get killed for cooperating. I'm telling you, this guy [Halloran], I would not want to be standing next to this guy [Halloran].' And then a few days later, [Halloran] was killed." *United States v. Salemme*, 94-CR-10287, Testimony of William Weld, May 27, 1998.

41. Specifically, because of MORRIS and CONNOLLY's unlawful and inappropriate relay of confidential information, Bulger and others[9] gunned down Halloran outside the Topside Café[10] in South Boston, on May 11, 1982. Halloran's murder occurred a month after he had provided information about Bulger to the FBI, and within ten days of the FBI's denial of his witness protection program admission. Michael

[8] Judge Wolf's Findings indicate that the time gap between Connolly providing information to Bulger and Flemmi and the murder of Halloran and Mr. Donahue was "several weeks." *U.S. v. Salemme*, 91 F.Supp.2d 141, at 208.

[9] Upon information and belief, Kevin Weeks, a known close associate of Bulger and Flemmi, acted as look-out to these killings. In fact, upon information and belief, it is Weeks that identifies Bulger as one of the triggermen in Mr. Donahue and Halloran's murder. Furthermore, there is some evidence that CONNOLLY witnessed these killings and/or was in the area.

[10] At some point thereafter, the Topside Café became known as the Pier Restaurant.

J. Donahue, a neighbor of Halloran who on an errand had offered Halloran a ride home,[11] was killed as he sat next to Halloran.

42. "MORRIS received his first payment of $1000 from Bulger and Flemmi in June of 1982, shortly after causing CONNOLLY to tell them of Halloran's allegations." *United States v. Salemme*, 91 F.Supp.2d 141, at 227. CONNOLLY facilitated this payment, which was, upon information and belief, in appreciation for the Halloran information. *Id.*

**C. The Ongoing Pattern and Practice of Unlawful and Inappropriate Activity within FBI – Boston**

43. The Donahue and Halloran murders resulted from a larger pattern of unlawful and inappropriate conduct accomplished at and by FBI – Boston over the span of more than three decades, whereby Agent CONNOLLY and Supervisory Agent MORRIS, and their predecessors[12], utilized their positions as special agents of the FBI, in

[11] Mr. Donahue's presence at the murder scene was occasioned by a stop to make a phone call during an errand. On the day of his death, Mr. Donahue had taken the car of his father, a Boston Police officer, to purchase bait for an overnight family fishing trip, which was planned to celebrate his son Thomas' receiving of First Communion the weekend before, and Mother's Day. During this errand, Mr. Donahue stopped at the Topside Café and called his wife Patricia Donahue, and told her that he would be home soon for supper. Upon information and belief, it was at the Topside that Mr. Donahue ran into Halloran. Mr. Donahue knew Halloran as a neighbor and through Mr. Donahue's union membership as a truck driver. Mr. Donahue had offered Halloran a ride home to the neighborhood. It was while Mr. Donahue and Halloran sat in the car preparing to leave from the Topside that they were killed.

[12] Given the documents which have come to light on hearing of the defendants' motion for a new trial in the case of *Commonwealth v. Limone et al.*, Suffolk Superior Court, Indictment Nos. 32367, 32369 and 32370 (January 8, 2001) (Hinkle, J.), there is evidence that this pattern extends back through the tenure of MORRIS' predecessor as head of the Organized Crime Squad at FBI - Boston, H. Paul Rico. As noted, *infra*, Rico was the original head of the Organized Crime Squad and was Flemmi's original handler. It is alleged that Rico intentionally withheld evidence that would tend to exculpate Mr. Limone (and co-defendants) and inculpate an associate of Steven Flemmi in the murder of Teddy Deegan. Further, Judge Wolf held in *United States v. Salemme*, 91 F.Supp.2d 141, at 182, that in 1969 Rico told Mr. Flemmi that he was to be indicted. "In doing so, Rico aided and abetted the unlawful flight of a fugitive in violation of 18 U.S.C. secs. 1073 and 1072." *Id.* The government did not dispute this finding. *Id.* Moreover, Judge Wolf found that Special Agent Rico engaged in criminal misconduct, including suborning perjury. *Id*, at 182.

concert with Mr. Bulger, Mr. Flemmi, and other organized crime figures, to conduct an ongoing pattern of unlawful and inappropriate activity through the Boston Field Office of the FBI, which was intentionally and continuously ignored, and in fact encouraged, by supervisory officials who failed to adequately train, supervise, monitor, and control CONNOLLY, MORRIS and other agents.

44. In fact, the relationship between Flemmi and the FBI began in 1965, when Flemmi became a confidential informant under Special Agent H. Paul Rico, the founding head of FBI-Boston's Organized Crime Squad and therefore MORRIS' predecessor.

45. Bulger was opened as an informant in or about September 1975, by CONNOLLY himself. *Connolly Indictment*, at 2-3. Furthermore, while Flemmi had been closed as an informant for a period of time, CONNOLLY officially re-opened Flemmi as an informant in or about September 1980. *Connolly Indictment*, at 3. At all times relevant, CONNOLLY was Bulger and Flemmi's FBI handler.

46. Bulger and Flemmi's status as informants was continued notwithstanding CONNOLLY and MORRIS' knowledge of crimes, including violent crimes and murder, committed by Bulger and Flemmi before and during this same time period, and CONNOLLY and MORRIS' knowledge and understanding that the confidential information provided by them to Bulger and Flemmi would and did directly result in Bulger, Flemmi and others committing crimes, including murder.

47. CONNOLLY and MORRIS tolerated, and in fact encouraged and assisted, Bulger and Flemmi's commission of certain crimes, including murder and obstruction of justice.

48. CONNOLLY and MORRIS's unlawful and inappropriate exchange of confidential FBI information and assistance and interference with law enforcement efforts for bribes and information from Bulger and Flemmi also continued throughout the time Bulger and Flemmi were informants, and continued even after CONNOLLY retired from the FBI.

49. Moreover, CONNOLLY, MORRIS and other FBI agents undertook unlawful and inappropriate acts to continue Bulger and Flemmi's status as informants, and protect them from investigation, sanction and prosecution, so this mutually advantageous unlawful and inappropriate exchange could continue. This included direct acts of CONNOLLY, MORRIS and other agents in obstructing and frustrating ongoing criminal investigations, providing Bulger and Flemmi with confidential law enforcement information, including the indentity of other confidential informants and potential witnesses, and failing to report and concealing information relevant to ongoing criminal investigations. This also included facilitating and encouraging the prosecution of innocent individuals for crimes committed by Bulger, Flemmi, and their associates.

50. MORRIS, at all relevant times the head of the Organized Crime Squad and the direct supervisor of CONNOLLY, in knowing and willful violation of his responsibilities as an FBI supervisor, also intentionally and recklessly disregarded, and in fact encouraged and assisted, as a pattern and practice, the unlawful and inappropriate activities of CONNOLLY, Bulger, and Flemmi. MORRIS also promoted and maintained an environment at FBI-Boston, and specifically in the Organized Crime Squad, that encouraged this unlawful and inappropriate conduct. This pattern and practice was accomplished in willful and reckless disregard to the Constitutional civil rights of private

citizens, and did as a foreseeable consequence violate the civil rights of private citizens, including the Donahues.

51. SARHATT, FITZPATRICK and other supervisory officials, at all relevant times the SAC and ASAC of FBI – Boston and therefore the supervisors of CONNOLLY and MORRIS, in knowing and willful violation of their responsibilities as an FBI supervisors, also intentionally knowingly and recklessly disregarded, and in fact encouraged and assisted, as a pattern and practice the unlawful and inappropriate activities of CONNOLLY, MORRIS, Bulger, and Flemmi. SARHATT, FITZPATRICK nad other supervisory officials also promoted and maintained an environment at FBI-Boston over four decades that encouraged this unlawful and inappropriate conduct. This pattern and practice was accomplished in willful and reckless disregard to the Constitutional civil rights of private citizens, and did as a foreseeable consequence violate the civil rights of private citizens, including the Donahues.

52. The FBI itself also intentionally, knowingly and/or recklessly disregarded, and in fact encouraged and assisted, as a pattern and practice, the unlawful and inappropriate activities of CONNOLLY, MORRIS, Bulger, and Flemmi, and condoned and encouraged the lack of supervision on the part of SARHATT, FITZPATRICK, MORRIS, and other supervisory officials. The FBI also promoted and maintained an environment at FBI-Boston that encouraged this unlawful and inappropriate conduct, and encouraged the knowing and/or reckless disregard of this conduct by supervisory officials. This pattern and practice was accomplished in knowing and reckless disregard to the Constitutional civil rights of private citizens, and did as a foreseeable consequence violate the civil rights of private citizens, including the Donahues.

53. At the same period of time, guidelines were in effect regarding FBI engagement of informants, promulgated by the Attorney General. "The Attorney General directed that, '[u]nder no circumstances shall the FBI take any action to conceal a crime by one of its informants.'" *United States v. Salemme*, 91 F.Supp.2d 141, at 194. Further, "[t]he [Attorney General] Levi Memorandum also established the same procedure where the FBI had 'knowledge' that one of its informants had committed a 'serious' crime 'unconnected with his FBI assignment. As described in [the Wolf Findings of Fact], these requirements too were regularly ignored with regard to Bulger and Flemmi." *Id*, at 194.

54. "The evidence in this case indicates that at least with regard to Organized Crime matters, the [Attorney General's] Guidelines were ignored from the outset. There were no special seminars or major training concerning the guidelines that was received be the witnesses in this case. MORRIS apparently did not read the new informant Guidelines when they were issued. The informant Guidelines were discussed occasionally in more general training sessions, but the Organized Crime Squad supervisors in Boston did not get answers to any questions that they had." *United States v. Salemme*, 91 F.Supp.2d 141, at 194.

55. "In general, MORRIS and his successors as the supervisor of the Organized Crime squad, Ring, viewed the Attorney General's Guidelines as inconsistent with the Top Echelon informant program and utterly unrealistic. Thus, they felt the Guidelines did not apply to Organized Crime matters. In their view, Top Echelon informants were, by definition, members of Organized Crime, who had been involved in serious criminal matters. Thus, Morris and Ring ignored provisions of the Attorney

General's Guidelines that required authorization of criminal activity and reporting of unauthorized crime committed by informants." *United States v. Salemme*, 91 F.Supp.2d 141, at 195.

56. "With regard to Flemmi and Bulger, at least, the requirements of the Guidelines were either ignored or treated as a bureaucratic nuisance." *United States v. Salemme*, 91 F.Supp.2d 141, at 196.

57. "The evidence also indicates that FBI Headquarters did not effectively supervise the implementation of the Guidelines." *United States v. Salemme*, 91 F.Supp.2d 141, at 196.

58. When the FBI Headquarters did audit the Boston Office it routine overlooked obvious deficiencies in the files concerning Bulger and Flemmi. "Moreover, while FBI Headquarters periodically audited the Boston office's informant files, no deficiencies with regard to the handling of Bulger or Flemmi were noted, despite the fact that those files were replete with information indicating that Bulger and Flemmi were involved in serious criminal activity that had not been authorized in writing, investigated by the FBI, reported to other law enforcement agencies, or reported to the Assistant Attorney General for the Criminal Division as required by the Guidelines." *United States v. Salemme*, 91 F.Supp.2d 141, at 196.

59. "Thus, at least with regard to Bulger and Flemmi, the FBI as an institution essentially disregarded the carefully calibrated standards and procedures that were developed by Attorney General Levi and his successors for continuing to use informants after the FBI had decided to employ them." *United States v. Salemme*, 91 F.Supp.2d 141, at 196.

60. "As a result, it is not disputed that the Guidelines were not obeyed at least with regard to Flemmi and Bulger." *United States v. Salemme*, 91 F.Supp.2d 141, at 197 United States Attorney Donald Stern acknowledged that FBI Guidelines were not followed in critical areas: "The FBI and attorney general informant guidelines, together with FBI administrative controls, are intended to provide the necessary checks and balances and to ensure that often difficult decisions are made at appropriate levels, based on complete and accurate information. While admittedly no system is foolproof, clearly those objectives were not met here, at least in certain critical respects." *Id*, at 197.

61. CONNOLLY and MORRIS routinely ignored FBI policies and procedures regarding reporting on contacts with informants, and thereby hid the true nature of their relationship with Bulger and Flemmi. In so doing, they concealed, and assisted, in ongoing criminal activity in which Bulger and Flemmi were involved. *United States v. Salemme*, 91 F.Supp.2d 141, at 188-198.

62. Throughout the same period of time, and extending to the present, the FBI and the supervisory officials of FBI - Boston, including but not limited to SAC SARHATT and ASAC FITZPATRICK, intentionally attempted to and did conceal the unlawful and inappropriate activities of CONNOLLY, MORRIS, Bulger, and Flemmi. MORRIS, in turn, as supervisor of CONNOLLY, intentionally attempted to and did conceal the unlawful and inappropriate activities of CONNOLLY, Bulger and Flemmi. These supervisory officials, and the FBI itself, also promoted and maintained an environment at FBI-Boston that encouraged concealment of unlawful and inappropriate activities by agents and informants.

63. The FBI's willful disregard, encouragement and eventual concealment of these unlawful and inappropriate activities was motivated, in part, by a policy and desire to prosecute the LCN, an organized crime group competing with that of Bulger. The concurrent and subsequent cover-up activity was additionally motivated by a desire to protect the FBI, FBI-Boston, and its agents from embarrassment, sanction, and/or possible prosecution.

64. Notably, the FBI, and specifically SARHATT and FITZPATRICK as the SAC and ASAC of FBI-Boston, continued Bulger and Flemmi as FBI informants, and continued the relationship between CONNOLLY, MORRIS, Bulger and Flemmi, despite strong evidence known to these supervisory officials that: a) Bulger and Flemmi were involved in serious and violent crime, including murder; b) CONNOLLY and MORRIS were providing confidential law enforcement information to Bulger and Flemmi, including the identities of other informants, resulting in crimes including murder and the compromise of criminal investigations; and c) CONNOLLY and MORRIS, and others, were giving and receiving bribes. MORRIS, in turn, knowing the unlawful and inappropriate activities of CONNOLLY, Bulger and Flemmi, and in his supervisory role as head of the Organized Crime Squad, encouraged and assisted in continuing the relationship between CONNOLLY, Bulger and Flemmi.

65. Furthermore, the FBI and its supervisory officials, including SARHATT and FITZPATRICK, their successors, and MORRIS himself, knowing of the unlawful and inappropriate conduct of CONNOLLY, MORRIS, Bulger and Flemmi, undertook efforts to conceal these crimes, and most especially took efforts to conceal the involvement and complicity of FBI personnel in these crimes. This effort included the

encouragement of and assistance in prosecutions of innocent individuals for crimes actually committed by Bulger, Flemmi and their associates. As detailed below, this intentionally crafted veil of concealment continues to the present day, and has only recently been partially pierced by the investigative and prosecutorial efforts of the United States Attorney's Office in Boston under United States Attorney Donald Stern and a special investigative unit of the United States Attorney's Office under Special Prosecutor John Durham, and the judicial efforts of United States District Court Judge Mark Wolf in *United States v. Salemme*[13] and Suffolk Superior Court Judge Margaret Hinkle in *Commonwealth v. Limone*.[14]

**D. The Lancaster Street Garage Investigation**

66. One example of the above-described pattern of unlawful and inappropriate conduct, willful disregard and concealment within FBI-Boston occurred almost two years before Halloran and Mr. Donahue were murdered.

67. In and around July and August of 1980, the Massachusetts State Police were investigating organized crime activity at a garage on Lancaster Street in Boston. See Judge Wolf's Findings, *United States v. Salemme*, 94-CR-10287, 91 F.Supp.2d 141, at 202 (D. Mass. 1999).

68. "Flemmi and Bulger were among those targeted by the Massachusetts State Police [in this investigation]." *United States v. Salemme*, 91 F.Supp.2d 141, at 202.

[13] *United States v. Salemme*, 94-CR-10287-MLW, 91 F.Supp.2d 141 (D. Mass. 1999).
[14] Suffolk Superior Court, Indictment Nos. 32367, 32369 and 32370 (January 8, 2001). See also Footnote 12, supra.

69. Despite efforts of the State Police, "MORRIS discerned that the Massachusetts State Police was conducting electronic surveillance at the Lancaster Street Garage...." *United States v. Salemme*, 91 F.Supp.2d 141, at 202.

70. Upon information and belief, with MORRIS' information, "CONNOLLY was ... able to confirm for Flemmi and Bulger that the Lancaster Street Garage was bugged." *United States v. Salemme*, 91 F.Supp.2d 141, at 202.

71. "Flemmi and Bulger advised some of their associates ... and the discussion of criminal activity at the Lancaster Street Garage ceased.". *United States v. Salemme*, 91 F.Supp.2d 141, at 203.

72. "[SAC] SARHATT recognized that Bulger and Flemmi might be prosecuted for committing serious crimes. Their prosecution would have raised within the FBI, and perhaps more widely, questions concerning the Bureau's decision to work with them rather than investigate them." *United States v. Salemme*, 91 F.Supp.2d 141, at 203.

73. Furthermore, SARHATT knew of concerns that CONNOLLY and MORRIS had tipped Bulger and Flemmi to the investigation and electronic surveillance. *United States v. Salemme*, 91 F.Supp.2d 141, at 203.

74. However, after speaking only with CONNOLLY, MORRIS, Assistant United States Attorney Jeremiah O'Sullivan[15], and Bulger himself, "SARHATT in December 1980 decided to continue Bulger and Flemmi as informants, rather than target

[15] Judge Wolf's Findings call into question SARHATT's rendition of his discussion with AUSA O'Sullivan, and AUSA O'Sullivan was unable to testify at hearing due to health problems. See *United States v. Salemme*, 91 F.Supp.2d 141, at 204. Furthermore, AUSA O'Sullivan was the prosecutor who opted not to indict Bulger and Flemmi in a 1978 race-fixing scheme investigation in which Bulger was a "primary subject." *United States v. Salemme*, 91 F.Supp.2d 141, at 199-200.

them for investigation." *United States v. Salemme*, 91 F.Supp.2d 141, at 205. See also *id*, at 203-205.

75. ASAC Robert Fitzpatrick, who had come to Boston in January 1981, also met with Bulger in early 1981. *United States v. Salemme*, 91 F.Supp.2d 141, at 207.

76. "Fitzpatrick testified [at hearings held in *United States v. Salemme*] that he had misgivings [after this meeting, and before the Wheeler, Halloran, Donahue and Callahan murders] about continuing Bulger and Flemmi as informants. More specifically, he stated that he was concerned that Bulger and Flemmi were not being sufficiently productive, and were engaged in serious crime, including crimes of violence and collecting 'tribute' from drug traffickers. There is no written record indicating that Fitzpatrick ever expressed such concerns to Sarhatt, however." *United States v. Salemme*, 91 F.Supp.2d 141, at 207.

77. With no dissent from FITZPATRICK, SARHATT again decided to continue Bulger and Flemmi as informants, and upon information and belief, any investigation into the unlawful and inappropriate activities of CONNOLLY, MORRIS, Bulger and Flemmi ceased. *United States v. Salemme*, 91 F.Supp.2d 141, at 207.

78. In fact, "[a]t the same time the FBI was receiving, but not investigating, reports from informants regarded as reliable concerning criminal activity in which Bulger and Flemmi were engaged." *United States v. Salemme*, 91 F.Supp.2d 141, at 208.

79. "For example, in 1981 and 1982, the FBI was told that Bulger and Flemmi were involved in cocaine distribution with Brian Halloran. The Bureau was also advised that bookmakers were required to pay Bulger and Flemmi to operate in South Boston. These allegations were not investigated by the FBI. Rather, with regard to Flemmi's

reported drug activity, Connolly wrote that "source's contacts, at my direction, with individuals thought to possess information regarding [Judge Wood's] murder, may have resulted in the false belief that source is involved in narcotics."" *United States v. Salemme*, 91 F.Supp.2d 141, at 208.

80. The Lancaster Street Garage investigation, among other previous and subsequent events, provided the FBI and its supervisory officials notice of the unlawful and inappropriate conduct of CONNOLLY, MORRIS, Bulger, Flemmi, and others within FBI – Boston. The FBI and its supervisory officials recklessly and/or intentionally failed to remedially act upon this notice, and other events, and instead allowed and encouraged the unlawful and/or inappropriate relationship between CONNOLLY, MORRIS, Bulger and Flemmi, and the unlawful and inappropriate activities that defined this relationship, to continue.

**E. FBI – Boston Continues its Relationship with Bulger and Flemmi after Mr. Donahue's Murder, and Intentionally Keeps Information regarding the Murder from Other Law Enforcement Agencies, the Public and the Donahue Family**

80. "No one has ever been convicted of [the Donahue and Halloran] murder[s]. MORRIS, however, believed [and, upon information and belief, knew] that Bulger and Flemmi were responsible. [In fact, t]he next time that MORRIS asked CONNOLLY to tip Flemmi off to an investigation, he added that he "did not want another Halloran" – meaning another murder." *United States v. Salemme*, 91 F.Supp.2d 141, at 210.

81. "MORRIS did not, however, hesitate to capitalize on the extraordinary disclosure of highly confidential information that he had caused CONNOLLY to make to Bulger and Flemmi. At some point prior to Halloran's murder CONNOLLY had told MORRIS that Bulger and Flemmi "really liked him," and hoped that MORRIS would let them know if he ever needed anything." *United States v. Salemme*, 91 F.Supp.2d 141, at 210.

82. "Several weeks after Halloran's murder MORRIS was sent [by the FBI] to Glencoe, Georgia for drug training. At that time, although married, MORRIS was romantically involved with his secretary. While in Georgia, MORRIS decided that he would enjoy a visit from her. Recalling the offer communicated through CONNOLLY, he asked CONNOLLY if Bulger and Flemmi would provide the funds necessary to buy his secretary a plane ticket." *United States v. Salemme*, 91 F.Supp.2d 141, at 210.

83. "CONNOLLY subsequently gave MORRIS' secretary an envelope containing $1000 cash, which MORRIS understood had come from Bulger and Flemmi.... She took the money and made the trip." *United States v. Salemme*, 91 F.Supp.2d 141, at 210.[16]

84. "MORRIS knew that the fact that Bulger and Flemmi had been told by CONNOLLY of Halloran's effort to cooperate with the FBI would be relevant to any investigation of Halloran's murder, but he never provided this information to anyone in the FBI. Nor did he tell the Suffolk County District Attorney's Office, which conducted an investigation and obtained an indictment, but not a conviction, of Jimmy Flynn for the Halloran murder." *United States v. Salemme*, 91 F.Supp.2d 141, at 210. CONNOLLY

[16] Judge Wolf's findings indicate that Morris' secretary was told that the money was Morris', *U.S. v. Salemme*, 91 F.Supp.2d 141, at 210, and it does not appear that there is no evidence that she knew the money derived from Bulger and Flemmi.

also failed to provide this information to anyone at the FBI or at the Suffolk County District Attorney's Office.

85. Furthermore, while SAC SARHATT and ASAC FITZPATRICK knew of Halloran's cooperation, neither provided this information to the Suffolk County District Attorney's office or other law enforcement agencies investigating the Halloran, Donahue, and Wheeler murders. In fact, upon information and belief, FBI-Boston participated in the investigation underlying the prosecution of Mr. Flynn, and efforts were taken to conceal information about Bulger and Flemmi's role in the Wheeler, Halloran and Donahue murders.

86. Around the same time, "a decision was made [by supervisory officials at the FBI, including SAC SARHATT, ASAC FITZPATRICK, and MORRIS] to keep Bulger and Flemmi open as sources unless and until "substantiated information" implicating them in the murders was received." *United States v. Salemme*, 91 F.Supp.2d 141, at 210.

87. "It does not appear that there was any discussion of whether Bulger and Flemmi had immunity that would protect them from possible prosecution for the Wheeler or Halloran [or Donahue] murders. Nor does it appear that the implications of the Attorney General's Guidelines concerning informants were considered [with regard to Bulger and Flemmi]. More specifically, there was evidently no discussion of whether local law enforcement authorities in Boston or Oklahoma, which were conducting investigations, should be advised of the information Halloran had provided concerning Bulger and Flemmi or of whether the Assistant Attorney General should have been consulted." *United States v. Salemme*, 91 F.Supp.2d 141, at 210-211.

88. "On August 4, 1982, the body of John Callahan was found in the trunk of his car in Miami, Florida. He had evidently been dead for several weeks." *United States v. Salemme*, 91 F.Supp.2d 141, at 211.

89. "On September 23, 1982, Flemmi was administratively closed as an informant. CONNOLLY and MORRIS told FBI Headquarters that they were closing Flemmi because he was being targeted for possible prosecution in the 98 Prince Street and 51 North Margin investigations. [Not because of the Donahue, Halloran, Wheeler, or Callahan killings]. This was not true." *United States v. Salemme*, 91 F.Supp.2d 141, at 211.

90. "As in the past, Flemmi was not told he had been closed as a source. In any event, Flemmi continued to provide information regularly to the FBI. Indeed, the records reflect forty-six contacts between Flemmi and the FBI between February 1983 and May 1986, a period when Flemmi was administratively closed as a source." *United States v. Salemme*, 91 F.Supp.2d 141, at 211.

91. "There was no diminution in Bulger's official status as an informant. Rather ... in February 1983, Bulger was elevated to Top Echelon status." *United States v. Salemme*, 91 F.Supp.2d 141, at 211.

92. "Nevertheless, [SA] Montanari attempted to investigate whether Bulger and/or Flemmi played a role in the Wheeler homicide and related matters. Pursuant to standard practice, the files of his investigation were kept in an area that was accessible to other agents. Montanari, however, suspected that CONNOLLY was surreptitiously reviewing those files and furnishing information about his investigation to Bulger and Flemmi. He complained to [Assistant Special Agent in Charge Robert] FITZPATRICK,

who was sufficiently concerned that he locked the files in his own office." *United States v. Salemme*, 91 F.Supp.2d 141, at 211.

93. "However, FITZPATRICK [apparently] did not want anyone outside of the Boston office of the FBI to have access to Bulger and Flemmi. In April 1983, the FBI in Oklahoma City sought authority from the Director of the FBI to interview Bulger and Flemmi. FITZPATRICK strongly and successfully opposed this request", *United States v. Salemme*, 91 F.Supp.2d 141, at 211, "in part by falsely claiming that he had interviewed Bulger about the matter." *Id*, at 156. "FITZPATRICK claimed that he had interviewed Bulger concerning the Wheeler and Callahan murders, and that Bulger had denied being involved. As FITZPATRICK testified, this was not true. FITZPATRICK had never questioned Bulger on these subjects. Although he himself did not trust CONNOLLY fully, FITZPATRICK also argued that Oklahoma City should not be allowed to interview Bulger and Flemmi in part because CONNOLLY was in continual contact with them and was disseminating all relevant information that he received regarding the Wheeler and Callahan murders. In essence, the Boston office of the FBI was determined to control the information, and therefore the decisions to be made, concerning its prize informants." *Id*, at 211.

94. "In May 1983, shortly after FITZPATRICK prevented FBI agents from Oklahoma City from interviewing Bulger and Flemmi, CONNOLLY urged the SAC to reopen Flemmi as an informant because he was continuing 'to voluntarily furnish sensitive information of an extremely high quality.'" *United States v. Salemme*, 91 F.Supp.2d 141, at 211.

95. "The timing of this memorandum suggests that it may have been, in part, an attempt by CONNOLLY to determine whether there was a threat that Flemmi would soon be charged as a result of the Halloran and Callahan murder investigations." *United States v. Salemme*, 91 F.Supp.2d 141, at 211-212.

96. "[I]n November 1983, Bulger and Flemmi were interviewed together by Montanari and [Special Agent] Brendan Cleary. It was highly unusual for two subjects of an investigation to be interviewed together. Bulger and Flemmi denied any involvement in the Wheeler and Callahan murders. They refused, however, to take a polygraph examination and objected to being photographed." *United States v. Salemme*, 91 F.Supp.2d 141, at 212. Upon information and belief, no follow up was conducted on this interview, and "[o]fficially, [the investigation into the Wheeler, Halloran and Donahue murders] remains open." *Id*, at 212.

97. In sum, "[t]he FBI in Boston ... succeeded in keeping agents from other offices and local law enforcement officials from speaking to Bulger and Flemmi," *United States v. Salemme*, 91 F.Supp.2d 141, at 208, and consequently, from successfully investigating the murders of Wheeler, Halloran, and Mr. Donahue.

98. Subsequently, "the FBI in Boston ... departed from the Bureau's standard procedures to render the information that it had received from Halloran regarding Bulger and Flemmi virtually inaccessible to others who might wish to review or evaluate it. More specifically, in 1982 and 1983, FBI reports containing allegations against an individual were to be indexed by that individual's name and placed in an investigative file. With one exception, however, the many reports containing Halloran's charges against Bulger and Flemmi were not properly indexed with a reference to their names.

Thus, these documents were not found or considered by the Department of Justice officials who were assigned, in July 1997, as a result of [the *United States v. Salemme* matter] to review allegations that had been made by informants and witnesses against Bulger and Flemmi." *United States v. Salemme*, 91 F.Supp.2d 141, at 212.

99. In 1988 or 1989, Joseph Murray, a known member of the Winter Hill Gang, was referred to the FBI-Boston Office with information. *United States v. Salemme*, 91 F.Supp.2d 141, at 157, 256-258. Murray had implicated Bulger and another individual named Patrick Nee in the murders of Halloran and Mr. Donahue, and "claimed to know of a witness who saw Bulger participate in the Halloran [and Donahue] murder[s]." *Id*, at 157. Also see *id*, at 256-258. Murray also alleged that CONNOLLY and SA John Newton (and others) were selling information regarding law enforcement activities to Bulger and Flemmi. *Id*, at 157, 256-258.

100. In June of 1989, SA Edward Clark and SA Edward Quinn of the Boston FBI Office interviewed Murray. *United States v. Salemme*, 91 F.Supp.2d 141, at 257. SA Quinn was "a member of the Organized Crime squad who had then worked with CONNOLLY for thirteen years and characterized CONNOLLY as a 'close friend'." *Id.*

101. In this interview, "Murray was either not asked about his allegations concerning CONNOLLY and Newton or his responses were not recorded in the notes and FBI report of the interview. ASAC Dennis O'Callahan, however, subsequently prepared a memorandum, which Ahearn sent to FBI Headquarters, stating that Murray's allegations were unsubstantiated. In addition, Murray evidently was not questioned in detail about the information he indicated that he had concerning Bulger's role in the Halloran murder. Moreover, the information Murray did provide was not given to the FBI agents

responsible for the Halloran murder investigation or indexed in a way that would permit them to find it. Nor was any effort made to employ the willing Murray as a source of information to be used against Flemmi, Bulger, or anyone." *Id.* at 154 n.3, 157, 256-258. "Accordingly, Murray was effectively eliminated as a threat to the symbiotic relationship between the FBI and Bulger and Flemmi." *Id.* at 258.

102. "After CONNOLLY retired, in about 1992, the United States Attorney's Office began a grand jury investigation of Bulger and Flemmi." *United States v. Salemme*, 91 F.Supp.2d 141, at 158.

103. "In 1992, the FBI refused a request by the then United States Attorney Wayne Budd, and his assistants, to confirm that Bulger was an informant or to permit them to review Bulger's informant file." *United States v. Salemme*, 91 F.Supp.2d 141, at 158.

104. "On about December 22, 1994, in anticipation of the imminent, additional charges in [*United States v. Salemme*], the United States Attorney's Office again asked the FBI if Bulger was an informant, emphasizing its need to know because the government would soon have to disclose exculpatory information to Bulger and his codefendants. Once again, the FBI resisted this request." *United States v. Salemme*, 91 F.Supp.2d 141, at 158.

105. Bulger's identity as an FBI informant was not admitted to the United States Attorney's office until January 9, 1995, four days after Flemmi had been arrested and the day before Bulger and Flemmi were indicted in the *United States v. Salemme* case,[17] see *United States v. Salemme*, 91 F.Supp.2d 141, at 295, and was not publicly

[17] 94-CR-10428. The original indictment in this case was returned on October 25, 1994 against one defendant, Robert DeLuca. See *United States v. Salemme*, 91 F.Supp.2d 141, at 296. The superceding

admitted until an affidavit was filed in *United States v. Salemme*, 94-CR-10287 on June 3, 1997, pursuant to an Order of the Court (Wolf, J.) entered in on May 22, 1997.

106. According to Judge Wolf's Findings, "[f]rom the FBI's perspective, exposure of its agents' conduct had the foreseeable potential to reveal an extraordinary effort to protect Bulger and Flemmi that involved serious impropriety, if not illegality." *United States v. Salemme*, 91 F.Supp.2d 141, at 213. Therefore, "questions remain regarding ... the full degree to which the FBI in Boston has, from 1981 until recently, attempted to keep any such role from being discerned and demonstrated." *Id.*

107. Furthermore, soon after the murder of Michael J. Donahue, Patricia Donahue was in contact with the Boston Office of the FBI, seeking information related to the death of her husband.

108. Each effort of Ms. Donahue, including this initial contact, was met with responses indicating that the FBI had no information, which was in each case untrue.

109. In fact, the first conclusive information which Ms. Donahue and her three sons received about Michael J. Donahue's death came through Judge Wolf's Findings of Fact in *United States v. Salemme*,[18] and the subsequent Bulger and Connolly indictments,[19] seventeen years or more after Mr. Donahue's death. Through these sources, the family of Michael J. Donahue learned that the FBI, which they had unwittingly turned to for information seventeen years prior, was directly responsible for the murder of their husband and father.

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indictment was returned against the additional defendants, including Bulger and Flemmi, on January 10, 1995. *Id*, at 301.

[18] *United States v. Salemme*, 91 F.Supp.2d 141 (D. Mass. 1999).

[19] *United States of America v. James J. Bulger et al.*, United States District Court for the District of Massachusetts, Docket No. 99-CR-10371; *United States v. John J. Connolly, Jr. et al*, U.S. District Court for the District of Massachusetts, Docket No. 99-CR-10428.

**F. Indictments**

110. Beginning in or around January 1998 and continuing through June 1999, the Court (Wolf, J.) heard witnesses, received exhibits, and heard arguments on various motions to dismiss and suppress in *United States v. Salemme*, 94-CR-10287, culminating in the Order of the Court including Judge Wolf's Findings, referenced throughout this Complaint. Much, if not the vast majority of the information elicited at this extended hearing had never been previously disclosed outside the confines of the FBI, most notably the connection between the FBI, Bulger and Flemmi, and the murders of Mr. Donahue and Halloran. Some information relevant to this Complaint and Mr. Donahue's murder inevitably remains under seal in that case.

111. Presumably as a result of being provided with information first elicited at the hearing held by Judge Wolf, in 1999, along with information gathered and verified by ongoing investigations by the Office of the United States Attorney in Boston under United States Attorney Donald Stern and a special investigative unit under Special Prosecutor John Durham, a Federal Grand Jury returned an indictment against Bulger implicating him in the murder of Mr. Donahue. The indictment, in relevant part, reads: "On or about May 11, 1982, in the District of Massachusetts, the defendant **James J. Bulger**, and others known and unknown to the grand jury, did commit an act involving murder, that is, aiding and abetting one another and being armed with dangerous weapons, did assault Michael J. Donahue with the intent to murder Brian Halloran and did thereby kill and murder Michael J. Donahue in violation of Section 1 of Chapter 265 and Section 2 of Chapter 274 of the Massachusetts General Laws." *United States of*

*America v. James J. Bulger et al.*, United States District Court for the District of Massachusetts, Docket No. 99-CR-10371.

112. Similarly, on December 22, 1999, a federal Grand Jury returned an original indictment against CONNOLLY in *United States v. John J. Connolly, Jr. et al*, U.S. District Court for the District of Massachusetts, Docket No. 99-CR-10428-JLT. The Superceding Indictment, quoted throughout this Complaint, was returned by a Federal Grand Jury and filed in the case against CONNOLLY on October 11, 2000. The Superceding Indictment alleges that CONNOLLY committed various criminal acts of racketeering, racketeering conspiracy, obstruction of justice, conspiracy to obstruct justice, and false statement, including those acts which led to the death of Mr. Donahue and assisted in the subsequent cover-up. *See Connolly Indictment.*

113. Upon information and belief, MORRIS was given immunity from criminal prosecution regarding his unlawful and inappropriate activities with Bulger, Flemmi and CONNOLLY, in return for his agreement to provide testimony against CONNOLLY and others before the Federal Grand Jury and in *United States v. John J. Connolly, Jr. et al*, U.S. District Court for the District of Massachusetts, Docket No. 99-CR-10428-JLT. See Shelley Murphy, *FBI Corruption Case Aimed at One Man*, THE BOSTON GLOBE, October 18, 2000, at B1.

114-128. **Reserved.**

350. As a result of their actions, the FBI Bivens defendants did, in fact and among other things, actually deprive Thomas Donahue of his rights under the Fifth and First Amendments to the Constitution. This deprivation includes, but is not limited to, the events leading up to, surrounding and including Michael J. Donahue's murder.

b. Conspiracy to Violate Constitutional Rights

351. As outlined herein, the FBI Bivens defendants, between themselves, with CONNOLLY, MORRIS, SARHATT, and FITZPATRICK, and with others, did conspire to deprive the plaintiffs, and each of them, of their Constitutional rights, and in so doing, did in fact deprive the plaintiffs their Constitutional rights by virtue of said conspiracy.

**COUNT VIII AND IX – RESERVED**

(FEDERAL TORT CLAIMS ACT COUNTS AGAINST UNITED STATES OF AMERICA, AND ITS AGENCY THE FEDERAL BUREAU OF INVESTIGATION, AS DEFENDANTS; TO BE ADDED BY AMENDMENT)

352-367. **Reserved.**

**PRAYER FOR RELIEF**

WHEREFORE, the plaintiffs respectfully demand Entry of Judgment against all defendants, jointly and severally, as follows:

(a) Declaring that the United States Government is estopped from denying the essential allegations of Mr. CONNOLLY's criminal offenses as outlined herein, by nature of the indictment (as amended) issued by the Government and returned by the

Grand Jury in United States of America v. John J. CONNOLLY, Jr. et al, U.S. District Court for the District of Massachusetts, Docket No. 99-CR-10428-JLT;

(b) Similarly declaring, pursuant to 18 U.S.C. §1964(d), that Mr. CONNOLLY himself is estopped from denying the essential allegations of Mr. CONNOLLY's criminal offenses as outlined herein, should a judgment enter in favor of the United States in United States of America v. John J. CONNOLLY, Jr. et al, U.S. District Court for the District of Massachusetts, Docket No. 99-CR-10428-JLT;

(c) Declaring that the defendants are collaterally estopped from denying the essential Findings of Fact included in the September 15, 1999 Order of the Court, issued in United States of America v. Salemme et al., U.S. District Court for the District of Massachusetts, Docket No. 94-CR-10287 (Wolf, J);

(d) Declaring, after a trial on the merits, that the defendants' individual and collective acts as described herein constitute a violation(s) of the federal Racketeering Influenced and Corrupt Organizations statute, 18 U.S.C. § 1962 (b), (c), and (d), and that these violations caused pecuniary injury to the estate of plaintiff's decedent Michael J. Donahue, Patricia Donahue, Michael T. Donahue, Shawn Donahue, and Thomas Donahue;

(e) Declaring, after a trial on the merits, that the defendants' individual and collective acts and omissions as described herein constitute a violation(s) of the Constitutional rights of the plaintiff's decedent Michael J. Donahue, Patricia Donahue, Michael T. Donahue, Shawn Donahue, and Thomas Donahue under the First, Fourth and/or Fifth Amendments to the Constitution of the United States of America, that the plaintiffs were in fact thereby deprived of such Constitutional rights, and that the

defendants committed such acts and omissions intentionally and with reckless disregard to the plaintiffs' Constitutional rights;

(f) Declaring, after a trial on the merits, that the defendants conspired to deprive the plaintiffs of their Constitutional rights, and by conspiring did in fact so deprive the plaintiffs of their Constitutional rights as outlined herein;

(g)-(h) **Reserved.**

(i) Awarding the plaintiffs all compensatory damages allowed under *Bivens*, 403 U.S. 388 (1971), the Racketeering Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961 et seq., and any other applicable law;

(j) Awarding the plaintiffs treble actual damages pursuant to the Racketeering Influenced and Corrupt Organizations statute, 18 U.S.C., § 1962 et seq.;

(k) Awarding the plaintiffs any and all other punitive damages allowed under law, including pursuant to *Bivens* and its progeny, in an amount to be determined by a jury at trial;

(l) Awarding the plaintiffs their reasonable attorneys fees, costs and disbursements incurred in connection with this action, pursuant to Racketeering Influenced and Corrupt Organizations statute, at 18 U.S.C., § 1964(c), the Equal Access to Justice Act, at 28 U.S.C. § 2412, Rule 54 of the Federal Rules of Civil Procedure, and/or any other applicable law;

(o) Awarding of interest regarding the above damages, and granting such other and further relief as this Honorable Court may deem just and proper.

**JURY DEMAND**

The plaintiffs demand a trial by jury on all issues so triable.

Respectfully submitted,
The Plaintiffs,
PATRICIA DONAHUE, Individually, and
in her Capacity as Administratrix of the
Estate of MICHAEL J. DONAHUE,
MICHAEL T. DONAHUE,
SHAWN DONAHUE, and
THOMAS DONAHUE,
By their Attorneys,

Edward T. Hinchey, BBO #235090
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Three Center Plaza
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and

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ROBERT A. GEORGE AND
ASSOCIATES, P.C.
138 Newbury Street, Suite Three
Boston, MA 02116
(617) 262-6900

Dated: 3-12-2001

3/14/01 BOSTONG B.S
2001 WL 3924123
(Publication page references are not available for this document.)



The Boston Globe
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Wednesday, March 14, 2001

Metro/Region

# KIN OF SLAIN MAN SUE FBI, AGENTS

John Ellement, Globe Staff

Nearly 20 years after Michael J. Donahue died because he gave a ride to a friend, his widow and children yesterday filed suit against the FBI and four retired agents who allegedly tipped off James "Whitey" Bulger that Donahue's friend was providing information against Bulger to the FBI.

Donahue and Brian J. Halloran were shot to death on Northern Avenue in Boston on May 11, 1982, by three men. Federal authorities now allege that Bulger was one of the triggermen and that he was tipped off about Halloran's cooperation by retired FBI special agent John J. Connolly, Jr.

Connolly was named in the 94-page civil lawsuit filed yesterday in US District Court along with his former supervisor, John M. Morris, who has admitted taking bribes from Bulger. Also named are Lawrence Sarhatt, who was the special-agent-in-charge of the Boston FBI office in the 1980s, and Sarhatt's top aide, Robert Fitzpatrick. The FBI was also named as a defendant.

Relying on federal court hearings and last year's indictment of Connolly, Patricia Donahue and her three sons contend the retired agents effectively killed Donahue even though Bulger allegedly pulled the trigger.

At the time of his death, Donahue, 32, lived in Dorchester and was giving Halloran, 41, a ride home when they were shot and killed outside a waterfront bar.

The Donahue family now wants compensation for the years they lost out on Donahue's wages. The family also accuses the agents of violating their civil rights and depriving them of the companionship of their husband and father.

The agents and the FBI were sued under the civil portion of the same federal law routinely used against Mafia and organized crime figures - the Racketeer Influenced and Corrupt Organization, or RICO, act. Under the civil RICO act, triple damages can be awarded by a jury or judge.

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The lawsuit cites 26 specific acts allegedly committed by the four retired agents that cumulatively allowed Bulger to murder Donahue and Halloran. The facts in the lawsuit are based on Connolly's indictment last year and hearings that disclosed that Bulger and his partner, Stephen Flemmi, were longtime informants for the FBI and that Connolly was their handler.

The Boston FBI office had no comment yesterday.

---- INDEX REFERENCES ----

NAMED PERSON: → DONAHUE, MICHAEL J; HALLORAN, BRIAN J; CONNOLLY, JOHN

NEWS SUBJECT: English language content; Crime and Courts; Political and General News; Crime (ENGL GCRIM GCAT CRM)

NEWS CATEGORY: MET

EDITION: THIRD

LAYOUT CODES: (LCR)

Word Count: 369

3/14/01 BOSTONG B.5

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Wednesday, July 18, 2001

Metro/Region

# MOBSTER PLEADS NOT GUILTY TO 10 COUNTS OF MURDER FLEMMI ENTERS PLEAS BEFORE FEDERAL JUDGE

John Ellement, Globe Staff

The prosecution of Stephen "The Rifleman" Flemmi for 10 murders he allegedly committed while working as an informant for the FBI inched forward yesterday in a court proceeding that betrayed little of the terror Flemmi once embodied.

Wearing a red state Department of Correction jumpsuit, Flemmi, 66, stood with his hands clasped behind his back and answered "not guilty" 15 times during his arraignment in US District Court before Magistrate Judge Marianne B. Bowler.

Flemmi was indicted last September in the killings, as well as on charges of extortion, money laundering, and illegal possession of a machine gun and silencers. But the arraignment had been on hold because no Boston lawyer wanted to represent him at the government fee of $75 an hour for in-court work.

Flemmi is now represented by Charles McGinty, a federal public defender. Flemmi and McGinty briefly shook hands but appeared not to chat much during the arraignment, which lasted about 15 minutes.

McGinty left without speaking to reporters.

Among the 10 people Flemmi is accused of killing is Debra Davis, 26, Flemmi's longtime girlfriend. Davis, who wanted to leave Flemmi after falling in love with another man, was allegedly strangled by Flemmi inside his mother's South Boston home in 1981.

Flemmi and his alleged criminal partner James "Whitey"

Bulger buried her in mud flats in Quincy, where her body was found last year, prosecutors said.

The remains of Deborah Hussey, the daughter of Flemmi's longtime companion, Marion Hussey, with whom he had three children, were found in a Dorchester mass grave.




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Flemmi and Deborah Hussey reportedly were having an affair at the time of her killing.

No trial date has been set for the murder case. Assistant US Attorney Brian T. Kelly said the trial would take six months and involve about 50 witnesses.

Kelly also said that if convicted on all counts and sentenced to the maximum for each, Flemmi faces two life terms in prison, plus 195 years, and fines of $4 million.

In May, Flemmi cut a deal with federal prosecutors and pleaded guilty to a separate indictment charging him with extortion, money laundering, and obstruction of justice and was sentenced to 10 years in prison.

In return, prosecutors dropped a 1995 indictment charging him and Bulger with three 1960s gangland murders.

A former FBI agent, John Connolly, is under indictment for alleged criminal acts committed with Flemmi and Bulger when they served as FBI informants.

---- INDEX REFERENCES ----

NAMED PERSON: MCGINTY, CHARLES

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

NEWS SUBJECT: English language content; Crime/Courts; Political/General News; Crime (ENGL GCRIM GCAT CRM)

NEWS CATEGORY: MET

REGION: United States; North American Countries; United States; North America (USA NAMZ US NME)

EDITION: THIRD

Word Count: 406

7/18/01 BOSTONG B.4

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U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

May 3, 2001

Statement of FBI Director Louis J. Freeh:

The allegations that have been made concerning the circumstances of Mr. Salvati's conviction and thirty-year incarceration speak directly to the need for integrity and commitment in the pursuit of justice under the Rule of Law. These allegations, that law enforcement personnel, including the FBI, "turned a blind eye" to exculpatory information and allowed an innocent man to serve thirty years of a life sentence, are alarming and warrant thorough investigation. Under our criminal justice system, no one should be convicted and sentenced contrary to information known to the federal government. As with the conviction earlier this week in the Birmingham civil rights bombing case, we cannot allow the egregious actions of thirty years ago to prevent us from doing now what is right and what must be done to ensure justice is ultimately served.

To that end, since January 1999, an independent Justice Task Force, lead by Special Attorney John Durham, has been charged with investigating law enforcement corruption arising out of the FBI's handling of criminal informants James "Whitey" Bulger and Stephen Flemmi. The allegations under investigation by the Justice Task Force span the time period from the mid-1960s to the present, covering all periods of time that either Bulger or Flemmi was being operated as a confidential informant of the FBI, and include specific allegations concerning the FBI's role in the Deegan murder investigation and prosecution.

As a result of the Justice Task Force's ongoing investigation, charges have already been brought against former FBI Agent John Connolly for his actions, not related to the Deegan murder investigation, both during and after the time he was an FBI employee. I have provided the Committee with a brief summary of the history of the Justice Task Force and allegations under investigation pertaining to the Deegan murder. I look forward to working with the Committee to ensure that not only the troubling allegations raised by Mr. Salvati's case, but each of the allegations, is investigated fully.

####

EXHIBIT 940

U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director — Washington, D.C. 20535

**Justice Task Force Investigation**

History of the Justice Task Force

In 1997, the Department of Justice and the FBI initiated an investigation to determine whether any Government official committed criminal acts in connection with investigations into the New England LCN and James "Whitey" Bulger's Winter Hill Gang. The investigative team was lead by the Deputy Chief of DOJ's Public Integrity Section. The Assistant Director of the FBI's Office of Professional Responsibility was the senior FBI official. Then-Inspector Charles S. Prouty (currently SAC Boston) was the senior FBI official on the scene. SSA William D. Chase (currently ASAC Boston) also participated in the investigation.

The investigation concluded after five weeks without filing any criminal charges. The report issued by the task force marked the completion of the "first phase of investigation" and stated that all reasonable and apparent leads had been covered. The report anticipated additional investigation at the conclusion of pre-trial hearings in criminal trial of Bulger, Stephen Flemmi, Frank Salemme and others. Boston press reports have characterized this investigation as a "whitewash," focusing on the fact that SAC Prouty and ASAC Chase were involved and subsequently promoted.

The Justice Task Force (JTF) was created in January 1999 pursuant to a joint directive from then-Attorney General Janet Reno and FBI Director Louis Freeh. The creation of the Task Force was prompted by a request from the United States Attorney for the District of Massachusetts and then-Boston Special-Agent-in-Charge Barry Mawn to establish a group of independent prosecutors and investigators to focus on possible law enforcement corruption relating to the FBI's handling of criminal informants James "Whitey" Bulger and Stephen Flemmi. While many of these allegations surfaced during hearings conducted by Judge Wolf in connection with the criminal prosecution of Bulger, Flemmi, Salemme, and others, the JTF is not connected with the 1997 investigation.

The JTF, comprised of prosecutors and investigators from

outside Massachusetts, operates in the District of Massachusetts as an independent investigative and prosecutive arm of the Criminal Division of DOJ and the Criminal Division of the FBI. There is significant overlap between the matters being addressed by the JTF and those at issue in other pending federal prosecutions involving Flemmi and Bulger.

Allegations under review by the JTF span the time period from the mid-1960s to the present, which includes all periods of time that either Bulger or Flemmi was being operated as a confidential informant of the FBI.

In December 1999, as a result of the JTF's investigation, a grand jury in the District of Massachusetts returned an indictment charging retired FBI SSA John Connolly, Bulger and Flemmi with participating in racketeering activities. A superceding indictment was returned in October 2000 alleging additional federal offenses against Connolly and Flemmi. A trial on these charges has not been scheduled.

The Edward "Teddy" Deegan Murder

One of the allegations under review by the JTF concerns the FBI's role in the investigation and prosecution of the March 12, 1965 murder of Edward "Teddy" Deegan. This matter falls within the scope of JTF's investigation because of issues arising from the role played by Vincent James Flemmi, brother of long-time FBI informant Stephen Flemmi. At different times, both Vincent Flemmi and Stephen Flemmi were operated by the same FBI SA, H. Paul Rico.

Two days before Teddy Deegan was murdered, the FBI received informant information that Vincent Flemmi had advised the informant that an order had been given for Deegan to be killed. That same day, an FBI file was opened to target Vincent Flemmi for possible development as an informant.

The day after Teddy Deegan was killed, SA Rico reported information, provided by the original informant, that identified the individuals who had committed the murder. The informant attributed this information to Vincent Flemmi. Among those Flemmi told the informant did the killing were Flemmi himself, Joseph Barboza, Wilfredo Roy French, Ronald Cassesso and Romeo Martin. FBI files reflect that this information was promptly disseminated to a Captain in the Chelsea, Mass. Police Dept.

In March 1967, while incarcerated and during his first interview as an FBI cooperating witness, Joseph Baron (also

known as Joseph Barboza) agreed to provide information concerning the Deegan murder; however Barboza advised that he would never provide information that would allow Vincent Flemmi to 'fry'. SA H. Paul Rico conducted the first interview with Barboza. Information and eventual testimony provided by Barboza in state court did not implicate Vincent Flemmi, but did implicate, among others, Peter Limone and Joseph Salvati.

On July 31, 1968, Limone and Salvati were among six persons convicted of having played a role in the Deegan murder. Salvati received a life sentence and Limone was sentenced to death. Limone's sentence was subsequently commuted to a life sentence. Barboza was the key prosecution witness in this trial.

In July 1970, Barboza signed an affidavit recanting his trial testimony against Limone, Salvati and two others. However, during an interview conducted one month later by government prosecutors, Barboza reaffirmed his trial testimony. Mr. Barboza was murdered in San Francisco in February 1976.

In August 2000, Limone's attorney, John Cavicchi, was interviewed by the JTF. Later that year, in support of a motion for a new trial for Mr. Limone, Cavicchi made a limited FOIA request to the FBI's Boston office. This request was promptly processed and the three documents sought by Cavicchi were disclosed. Thereafter, Cavicchi made a request to the JTF for Limone related information. Initial JTF attempts to locate responsive material were not successful due largely to the fact that many FBI files from the late 1960s had been destroyed, pursuant to standard FBI policy. However, after a hand search of archived intelligence files, documents were identified and delivered to the prosecution and defense in the Limone and Salvati matters.

Limone was released from prison on January 5, 2001, after his motion for a new trial was granted. Limone's motion was not opposed by the District Attorney's office. The presiding local judge cited the documents released by the JTF as playing a significant role in her decision. Salvati's sentence was commuted in 1997 after exculpatory information concerning Salvati's role was obtained by the US Attorney's office and forwarded to the District Attorney. Salvati was subsequently released from prison.

The House Government Reform Committee has scheduled a hearing on May 3, 2001 concerning the Deegan murder. Over

1200 pages of documents were located by the Boston Office and the JTF and have been provided to the Committee through the Department of Justice.

The JTF is currently investigating not only the FBI's role in the Deegan murder investigation and prosecution, but the FBI's overall relationship with Bulger and Flemmi. The allegations currently under investigation by the JTF closely track the issues of interest to the House Govt. Reform Committee.

The JTF'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.

MAYOR MIKE ALBANO Fax:4137876104 May 4 2000 08:30 P.01

Re: FBI

Attn: Jim Wilson

THE CITY OF SPRINGFIELD, MASSACHUSETTS

MAYOR MICHAEL J. ALBANO

**THE CITY OF SPRINGFIELD, MASSACHUSETTS**
**OFFICE OF THE MAYOR**
**Telephone (413) 787-6100**
***Facsimile* (413) 787-6104**

## FACSIMILE COVER SHEET

**TO:** Representative Dan Burton **COMPANY:**

**FROM:** Mayor Michael J. Albano **PAGES:** 3 (INCLUDING COVER SHEET)

**SUBJECT:** **DATE:** 5/4/01

**COMMENTS:**

EXHIBIT 941

RECEIVED
MAY 09 2001
HOUSE COMMITTEE ON GOVERNMENT REFORM

MAYOR MIKE ALBANO Fax:4137876104 May 4 2000 08:31 P.02

THE CITY OF SPRINGFIELD, MASSACHUSETTS

MAYOR MICHAEL J. ALBANO

April 30, 2001

Congressman Dan Burton
2185 Rayburn HOB
Washington, DC 20515

Dear Chairman Burton:

Congressional hearings into the cases of Joseph Salvati, Peter Limone, Henry Tameleo and Louis Greco represent an important step in the process toward the goal of governmental reform of the Federal Bureau of Investigation and the Office of the United States Attorney. I applaud your efforts and that of the Committee in reviewing the facts and circumstances leading to the arrest and conviction of these innocent men and the roles played by the aforementioned federal agencies.

I take special interest in these cases not as a Mayor or as a concerned citizen. As a Member of the Massachusetts Parole Board and Governor's Advisory Board of Pardons from 1982 to 1994, I was intimately involved in the petitions for commutation to the Governor of Salvati, Limone, Tameleo and Greco.

This week you will hear testimony from the key figures in these cases which include Mr. Salvati, Attorneys Victor Garo, Joseph Balliro and F. Lee Bailey. But there is more, much more.

I am now preparing testimony as to the role played by the Bureau in attempts to block a favorable recommendation to Governor Dukakis for release of these innocent men. The FBI, in particular, conspired to keep these individuals in prison in the Bureau's self interest --and certainly not in the interest of justice.

I stand prepared to offer my prospective on the role of the FBI in this most tragic of cases for our country.

I am forwarding this communication to Congressman Richard Neal as well as Senators Kennedy and Kerry to advise them of my intentions on this important matter.

Thank you for your time and attention to this issue.

Sincerely,

Michael J. Albano
Mayor

MJA/rca

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Verbatim Transcript
May 16, 2001

House of Representatives
Appropriations Subcommittee on Commerce, Justice, State and Judiciary
Committee Hearing

U.S. Representative Frank Wolf (R-VA) Holds Hearing on the FBI

HOUSE COMMITTEE ON APPROPRIATIONS: SUBCOMMITTEE ON COMMERCE, JUSTICE, STATE AND JUDICIARY HOLDS HEARING ON THE FBI

MAY 16, 2001

*** Elapsed Time 03 hr. Eastern Time 10:00 ***

SPEAKERS
U.S. REPRESENTATIVE FRANK WOLF (R-VA), CHAIRMAN
U.S. REPRESENTATIVE HAROLD ROGERS (R-KY)
U.S. REPRESENTATIVE JIM KOLBE (R-AZ)
U.S. REPRESENTATIVE CHARLES H. TAYLOR (R-NC)
U.S. REPRESENTATIVE RALPH REGULA (R-OH)
U.S. REPRESENTATIVE TOM LATHAM (R-IA)
U.S. REPRESENTATIVE DAN MILLER (R-FL)
U.S. REPRESENTATIVE DAVID VITTER (R-LA)
U.S. REPRESENTATIVE JOSE E. SERRANO (D-NY), RANKING MEMBER
U.S. REPRESENTATIVE ALAN MOLLOHAN (D-WV)
U.S. REPRESENTATIVE LUCILLE ROYBAL-ALLARD (D-CA)
U.S. REPRESENTATIVE ROBERT B. (BUD) CRAMER (D-AL)
U.S. REPRESENTATIVE PATRICK J. KENNEDY (D-RI)
U.S. REPRESENTATIVE DAVID R. OBEY (D-WI)

WITNESSES: LOUIS FREEH, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

(*)
WOLF. We're going to begin the hearing, and now the hearing will come to order.

Director Freeh, we want to welcome you to the committee today. This is your just appearance, I guess, before the committee before you leave the FBI. I just wanted to say that I personally, and I think I speak for the members, appreciate your considerable service to the country as an FBI agent, as assistant U.S. attorney, as a federal judge and as the director now of the FBI.

You and the bureau have a done a lot of good things during your tenure, and I think have done them well. And you kept, which I appreciate, the bureau from being politicized during that period of time.

This is not an Inquisition today. This is a congressional hearing. It's an inquiry to find out about your budget and what has taken place. We all need to understand how the problems developed and what we should do, in fact, must do, to make sure they never happen

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PENGAD-Bayonne, N. J.
EXHIBIT
942



again.

Our country is hurt when a mole within the bureau goes undetected for 15 years. Our justice system is diminished when evidence, for whatever reason, is withheld. There are none in our country and throughout the world who would like to see a weakened FBI. The task before us today and in the future is to fix the problems and ensure that the FBI has the tools and the management to keep it highly effective in carrying out the duties that the American people want it to carry out, not should these incidents that will come up in hearing today erase the many good things the bureau has done over the years.

Over the last several years, this committee has provided significant amounts of money to update the technological infrastructure at the FBI, including $100 million in FY 2001 for the FBI technology upgrade plan. In addition, the FBI hired a former IBM official to guide the implementation of this system. This investment is on top of funding provided to the FBI over the years to upgrade its technological infrastructure. We must continue to ensure that the investments in FBI infrastructure are used wisely and in accordance with plans developed jointly between the FBI and the Congress.

Over the last five years, this committee has provided significant additional resources to the FBI. With the exception of the Bureau of Prisons and the INS, no other agency in this bill has received these kinds of increases. At a time when other agencies have been held relatively flat, this committee has provided increases of more than $1.3 million since 1993.

This morning, as we begin with the fiscal year 2002 budget request for the Federal Bureau of Investigation, the FBI is now requesting a total of $3.6 billion in budget authority, an increase of $275 million or about 8 percent. To address issues of public safety and law enforcement, the FBI has been the beneficiary of generous increases.

Since 1993 through the current fiscal year, the bureau's budget has increased by about 65 percent. These increases have been used by the FBI to upgrade its technology, hire more agents, guide emerging democracies as they establish proper police protocols and to fight organized crime in the United States and, quite frankly, around the world. Increasingly, the FBI is working to halt the exploitation of the Internet. Criminals hold information from bank heritage, including its customers' credit card numbers and other personal information, extorting ransom in turn for not dumping this information on the Internet. Hackers attack American Web sites, as we saw recently with the attacks against the U.S. Web sites by some in China. And others use the Internet to run illegal gambling operations and illegal child pornography rings.

This job that the many highly capable men and women of the FBI do every day is crucial to maintaining our values as a free and open society. We must step back now and assess how the agency has been operating and develop ways to ensure that mistakes, such as the ones that have come to light over the last few years, do not happen in the future, and I am sure and confident that this can be done by working together.

And with that, I will now recognize the ranking member, Mr. Serrano, and then Mr. Obey after that.

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gotten it right. I think that...

(CROSSTALK)

KENNEDY: So to the 11 people that are still...

FRESH: No. If you let me finish my. .

KENNEDY: . executed

FRESH: Do you want me to finish my answer or you want to ask another question?

KENNEDY: I'd like you to finish your answer.

FRESH: Ok. With respect to the case that you've asked me about, which is the McVeigh case, we did get it right. We got it right specifically because in an abundance of caution, doing a review that we were not required to do by the law, FBI personnel discovered on their own initiative that some records -- leave aside the fact whether they're relevant or not. I don't believe they were -- but leave aside that fact. They then came forward to stop the execution at the 11th hour to the great embarrassment of the FBI. I may share in that with a lot of you here.

But that's getting it right. We stopped an execution because in America, where thank God we all are -- and I think Mr. McVeigh is pleased that he's in America -- the process worked by correcting a flaw and a mistake that I don't think went to guilt or innocence, but it is so significant and severe because of our obligations that it was corrected.

Twenty-five percent of the cases that come into our DNA unit in the laboratory, Mr. Kennedy, are exonerated-result examinations. We send back, in 25 percent of the DNA cases submitted, the finding that the subject that they submitted is not the person and they should be exonerated. We have gotten people out of jail on those examinations. We have an obligation to protect the innocent, which we take very, very seriously. And which is exemplified in this particular case.

KENNEDY: All I would say is, if it is evident that human error is going to be existent all the time, how can you ever think of having a ultimate punishment that executes someone, when in these instances it's taken the absolute face off of the death penalty proponents And their idea that you can get it right.

You have college students proving in Illinois that all these people got it wrong. You have Kenny Waters in my state convicted 18 years until his sister went to law school, completed and was able to get him out of jail. He was wrongfully convicted.
You can only imagine the number of minorities and people who are underrepresented who have no spotlight, who aren't as celebrated as Timothy McVeigh, and are we supposed to believe that the next death penalty cases after Timothy McVeigh, especially if our president does the kind of death row that he had when he was governor of Texas, we are supposed to expect that the nation's attention is going to be as much on those cases as it was on Timothy McVeigh and that there will be that much review in those instances as it was with Timothy McVeigh?

KENNEDY: I don't think so. And barring all that. I'll take all

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that aside. What is your answer to the fact that the death penalty is not applied equitably around the country and the fact that minorities and poor people have a greater likelihood of being put to death than they have of getting cancer from smoking?

FRESH: Well, I rely on the United States District judges, on the Supreme Court of the United States to correct mistakes or flaws in the judicial process that would lead to the most horrific result anybody here could contemplate -- someone innocent being ultimately and unjustly punished for a crime they didn't commit.

But we have a system of laws in place for that. We have a penalty which this Congress has approved, and we have courts and prosecutors and hopefully law students, like the ones that you mentioned, who on their own can do enormously great things in terms of proving the innocence of a person who may be overlooked by the system because maybe they're not wealthy and maybe they don't have a lawyer.

But all that is one entire process that moves forward. I think, very, very well under a system of law. And that's what we have

KENNEDY: All right, well let me ask you about another area, because I think the idea that you have equal justice under the law with the death row, when our own Justice Department said that it's not the case. And the Attorney General Janet Reno came out with a report that was indispensable in the fact that it showed that there is no equal application of the death penalty in this country. And that should concern anyone of conscience in this country.

Let me ask you about getting it right. Do you believe that FBI agents should be subject to polygraph tests?

FRESH: Yes, sir, they all are.

KENNEDY: Who is subject to the polygraph, all of them?

FRESH: Every new employee in the FBI since 1994.

KENNEDY: Have you been polygraphed since you've been FBI director?

FRESH: No.

KENNEDY: Do you plan to submit to a polygraph test before you resign?
FRESH: One is scheduled.

KENNEDY: Thank you.

I yield back the balance of my time.

HOLT: Mr. Miller?

MILLER: Mr. Director, thank you for your service to the country and I wish you well in your future. Thank you very much.

FRESH: Thank you, sir.

MILLER: A couple of different questions. One is, I serve on the Government Reform Committee, and two weeks ago, we had a hearing about the FBI's involvement in the Joe [redacted] case. Are you familiar with

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that one?

FREEH: Yes, sir.

MILLER: Mr [redacted] was framed for murder and spent 30 years in prison for a crime he did not commit. And apparently the FBI had information which may have helped prove Mr. [redacted]'s innocence. Is there anything you can say on that case and on behalf of the FBI and the [redacted] family?

FREEH: Well, you know, I alluded to that before and obviously a great travesty, a great failure; disgraceful to the extent that my agency or any other law enforcement agency contributed to that. The one thing that I would say with respect to that matter is that that particular case and all the related cases in Massachusetts depicting that tragic period of events and the people involved, all that was investigated and uncovered by FBI agents working investigatively to develop evidence which has lead to charges of former colleagues. Maybe not their colleagues, but people who were on board.

The facts of that case have got been particularly sorted out as far as I can see. It's the subject of continuing investigation and litigation. 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 be 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.

MILLER: There is a picture of him in the Time magazine article. Is there someone in the FBI who should have been more proactive in trying to help him through the process or can you comment on that? He spent 30 years in prison.

FREEH: Well again, we came into the situation, unfortunately, too late, but we did develop -- we 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.

MILLER: There's a story about your travels in the news the other day, about how you've had to expand the international presence of the FBI throughout the world. I'd like you to comment on that.

And when you look at the total FTEs and things, it's not changing very much, but then you're having to expand around the world. I don't know how many total people, I've met a few that I've had in my travels. Explain a little bit more about why we're expanding so much and how much resources are going there, because if you're expanding, you're going to have to cut somewhere else almost it looks like and such.

FREEH: Yes, certainly. We have 196 people overseas, 152 of them, I believe, are special agents, so it's not a great deal of resources. We're in 46 different offices and I consider that a modest investment of our resources given the return. I mentioned the case earlier that came out of Kenya. Some of the subjects in the case being adjudicated in New York were found outside the United States.

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The first FBI agents on the scene in Kenya and Tanzania were my FBI LEGATs, your FBI legates from Cairo and Pretoria, which were offices that didn't exist five years ago. They got to the crime scenes immediately, were able to secure the evidence, start protocols that lead to the preservation of evidence.

We have American hostages taken in Ecuador. We repatriated for their release. We've also been able to follow up with an indictment of the people involved in that recent hostage-taking Mr. Kopp, again, found in France. I could give you hundreds and hundreds of examples of our success in protecting Americans and things that are important for this country by having this very modest presence overseas. And my advice to my predecessor Bill and my advice certainly to the Attorney General, the President, has been we've got to expand FBI operations overseas because the world is now a different place.

Crime is transnational, whether it's bank fraud or terrorism or organized crime, globalization of everything requires us to be there if we're going to do our job. So my evaluation would be we have too few resources overseas at this point, but we have significantly entered the international arena in a way that protects Americans.

MILLER: Is there any problems with working with other countries as far as having the presence of the FBI within these countries, whether it's Ecuador or France or wherever?

FREEH: That's an excellent question. You know, everywhere we go outside the United States it's by invitation. I met with President Mandela a couple of weeks ago in South Africa. He had asked us, and the current president had asked us, to train a group of South African police officers who they intended to organize as a Bureau of Investigation, modeling it, in fact, after the FBI. We trained two large groups of their officers at our training academy in Quantico, funded by the State Department. We are welcomed with opened arms in that country because of the value we give to not only individual cases, but also the ability to train their police.

When I was an Ghana, the president of Ghana, President Kufuor, was asking about a serial killer, Mr. Chairman, in Accra, responsible for killing they believe about 35 women -- very, very poor women. In response to his request, I sent a team of our investigators over there. They solved the case as far as we're concerned. Those are the kinds of invitations and successes that we have overseas.

Next week I'm going to preside over a conference in Western Europe on the trafficking of women and children. We've organized 11 countries in that area, which is the key area not only for the support of that trafficking, but what comes to the United States in terms of victimization and crime and exploitation. We're going to have a conference on this issue and then we're going to organize a law enforcement response and operational capability inside area.

So my answer is we're very, very welcome overseas. We can't do anything overseas except by the invitation and authority of our host countries.

MILLER: Thank you.

My sense is that we need to keep increasing this area, because

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Boston Herald
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Wednesday, July 11, 2001

NEWS

Praise for one who turned tragedy to triumph
JOE FITZGERALD

In local coverage of his death, which occurred last week, John Fitzgerald, 89, was again portrayed as the "victim," the "Mob lawyer," which of course was what he was when a dynamite bomb exploded in his car 33 years ago, costing him his right leg and nearly costing him his life.

It was the price he paid for representing Joe Barboza Baron, an underworld enforcer turned government informant, a representation Jack would rationalize by suggesting, "When Lee Harvey Oswald was rushed into an emergency room with a bullet wound, it wasn't the surgeon's job to pass judgment on him; his job was to practice his profession to the best of his ability, and that was my job, too."

Jack was my cousin, though big brother more accurately defined our relationship, and among the papers he entrusted here was this account of what happened that rainy Tuesday, Jan. 30, 1968, at 5:15 p.m. on Mansfield Street in Everett:

"I put the key into the ignition and saw a blast. The windshield began breaking into a thousand pieces, as if someone had hit it with a sledge hammer. Fragments were coming at me and there was a grinding effect; it felt like my teeth were tearing my jaws apart. I remember thinking, 'My God, there's a bomb in this car.' I had not yet closed the driver's door, so I hit it with my left arm and suddenly, as I was falling onto the street, another big blast went off and all I could see was sparks.

"People began gathering and a priest kneeled over me. I was a mass of blood, covered with black stuff from the motor, debris that had hit me in the face. I was lying on my back, in the rain, with pain I can't describe sweeping over me like ocean waves. I remember thinking I had to remain alert, stay conscious, certain I would die if I didn't, so all the way to the hospital I kept trying to recite the 23rd Psalm while the cop who was holding my hand said, 'Fitz, tell us what you know because you're losing lots of blood and you might not make it.'"

Well, let it be known, especially by those cowards who planted the bomb and those federal agents he mistakenly assumed were legitimate, all of whose names are back in the news, that, by the grace of God,

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John Fitzgerald did indeed make it, never breaking a confidence and never succumbing to the despair, depression or desire for revenge that sought to consume him in those early stages of convalescence.

Jack triumphed over it all, rebuilding a life that was celebrated in a two-hour funeral last Friday, a day on which courts were closed, flags were lowered, and every seat was filled at the Assembly of God Church in Rapid City, SD, where he had become the presiding judge of the 7th Judicial Circuit.

"It was John's response to evil, his faith and his courage, that made him the man he was," South Dakota Supreme Court Justice John Konenkamp told that congregation. "It may sound old-fashioned, but John believed to be an honorable judge, you had to be an honorable person."

Attorneys told of being mentored by him, often after losing to him, and of the many ways his fingerprints cover their careers today.

But the guessing here is that Jack would have been moved more by the testimonies of Native Americans who sang and told of his devotion to their cause, or of young adults whose once-ravaged lives were redeemed through the work of Teen Challenge and the Cornerstone Rescue Mission, ministries he championed.

And certainly the military honors accorded his burial in Black Hills National Cemetery would have pleased him, but nothing, it says here, would have touched him more than the poignant words of the oldest of his five kids, John, also a lawyer, who said, "I've not only lost my Dad; I've lost my hero."

Jack died loving the law, loving his family and loving life with the passion of one who never forgot he'd been granted a second shot at it.

He had quotes affixed to his bench that he alone could see while court was in session, reflecting his own beliefs:

"We thought because we had power we had wisdom." - Stephen Vincent Benet

"Injustice anywhere is a threat to justice everywhere." - Dr. Martin Luther King Jr.

"We must never forget that the only real source of power that we as judges can tap is the respect of the people." - Thurgood Marshall

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John E. Fitzgerald surely earned that respect.

So letthis be his legacy: No longer a "victim," he died a victor, loved by many, this writer among them.

---- INDEX REFERENCES ----

NAMED PERSON: KONENKAMP, JOHN; FITZGERALD, JOHN

NEWS SUBJECT: English language content (ENGL)

EDITION: ALL EDITIONS

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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.

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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

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Wednesday, July 18, 2001

Metro/Region

# MOBSTER PLEADS NOT GUILTY TO 10 COUNTS OF MURDER FLEMMI ENTERS PLEAS BEFORE FEDERAL JUDGE

John Ellement, Globe Staff

The prosecution of Stephen "The Rifleman" Flemmi for 10 murders he allegedly committed while working as an informant for the FBI inched forward yesterday in a court proceeding that betrayed little of the terror Flemmi once embodied.

Wearing a red state Department of Correction jumpsuit, Flemmi, 66, stood with his hands clasped behind his back and answered "not guilty" 15 times during his arraignment in US District Court before Magistrate Judge Marianne B. Bowler.

Flemmi was indicted last September in the killings, as well as on charges of extortion, money laundering, and illegal possession of a machine gun and silencers. But the arraignment had been on hold because no Boston lawyer wanted to represent him at the government fee of $75 an hour for in-court work.

Flemmi is now represented by Charles McGinty, a federal public defender. Flemmi and McGinty briefly shook hands but appeared not to chat much during the arraignment, which lasted about 15 minutes.

McGinty left without speaking to reporters.

Among the 10 people Flemmi is accused of killing is Debra Davis, 26, Flemmi's longtime girlfriend. Davis, who wanted to leave Flemmi after falling in love with another man, was allegedly strangled by Flemmi inside his mother's South Boston home in 1981.

Flemmi and his alleged criminal partner James "Whitey"

Bulger buried her in mud flats in Quincy, where her body was found last year, prosecutors said.

The remains of Deborah Hussey, the daughter of Flemmi's longtime companion, Marion Hussey, with whom he had three children, were found in a Dorchester mass grave.

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Flemmi and Deborah Hussey reportedly were having an affair at the time of her killing.

No trial date has been set for the murder case. Assistant US Attorney Brian T. Kelly said the trial would take six months and involve about 50 witnesses.

Kelly also said that if convicted on all counts and sentenced to the maximum for each, Flemmi faces two life terms in prison, plus 195 years, and fines of $4 million.

In May, Flemmi cut a deal with federal prosecutors and pleaded guilty to a separate indictment charging him with extortion, money laundering, and obstruction of justice and was sentenced to 10 years in prison.

In return, prosecutors dropped a 1995 indictment charging him and Bulger with three 1960s gangland murders.

A former FBI agent, John Connolly, is under indictment for alleged criminal acts committed with Flemmi and Bulger when they served as FBI informants.

---- INDEX REFERENCES ----

NAMED PERSON: MCGINTY, CHARLES

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

NEWS SUBJECT: English language content; Crime/Courts; Political/General News; Crime (ENGL GCRIM GCAT CRM)

NEWS CATEGORY: MET

REGION: United States; North American Countries; United States; North America (USA NAMZ US NME)

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Boston Herald
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Wednesday, July 18, 2001

NEWS

# Flemmi vows innocence as case heads to trial

J.M. LAWRENCE

Stephen "The Rifleman" Flemmi won't try to bargain his way out of 10 murder charges and will take his chances with a jury that will one day hear a trial unlike any other in Hub history.

"I don't see a plea possible," his newly appointed attorney, Charles P. McGinty, said yesterday after Flemmi pleaded innocent to a federal indictment packed with tales of murdered bookies, dead girlfriends and stashed submachine guns.

"It's the early stages but I have every intention of providing a vigorous defense," McGinty pledged yesterday.

In a packed courtroom, the short, scrawny 66-year-old gangster and former FBI informant responded in a clear voice claiming innocence to each of 17 counts contained in the 111-page indictment.

Absent was Flemmi's codefendant James "Whitey" Bulger, the legendary fugitive whose name tops the indictment and who will turn 72 on Labor Day. He has been on the run since Jan. 1995.

Assistant U.S. Attorney Brian Kelly told the judge the government will call 50 witnesses against Flemmi during a trial expected to last as long as six months.

Key witnesses expected to make the government's list include Flemmi's former Winter Hill gang cohorts, including the hit man who carried out some of the murders allegedly orchestrated by Bulger and Flemmi.

Confessed killer John Martorano has already secured a plea agreement in return for his testimony and will serve 15 years.

But admitting to murder in a Boston court would likely cost Flemmi his own life in either Tulsa or Florida.

Flemmi faces the death penalty in both states for murders that Martorano says he carried out on the gang's orders, killing World Jai

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Alai owner Roger Wheeler in 1981 and former Jai Alai executive John B. Callahan in 1982.

The indictment lists the two men as Flemmi victims along with John McIntyre, Edward Connors, Thomas King, Arthur "Bucky" Barrett, Richard Castucci, James Sousa, and his two girlfriends, Debra Davis and Deborah Hussey, who was the daughter of a woman who was his live- in companion.

William St. Croix, who is Hussey's half brother and Flemmi's son, also is cooperating with the government and claims Flemmi directed him to the arsenal of Winter Hill weapons stored in Flemmi's mother's home.

The indictment also charges Flemmi's brother, Michael Flemmi, a retired Boston detective, with helping St. Croix hide the cache of sawed-off shotguns and silencers.

Attorney Jeffrey Denner, who represents the McIntyre family in a wrongful death suit against the FBI, said the family finds some solace that "the authorities are finally acting as authorities" in handling the Bulger gang.

"The FBI and the U.S. Attorney's Office today and the whole of the law enforcement team is acting admirably and responsibly," he said. "Unfortunately, John McIntrye is dead, Debbie Davis is dead. Roger Wheeler is dead. They can't be brought back and there's no thanks in that."

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Caption: SORDID CHARGES: Stephen 'The Rifleman' Flemmi is escorted to a police cruiser after his arrest in 1995. Flemmi faces a 17-count federal indictment stemmingfrom his dealings-with the Winter Hill gang. PHOTO BY CHRIS FITZGERALD, PDI

--- INDEX REFERENCES ---

NAMED PERSON: MCGINTY, CHARLES P

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

NEWS SUBJECT: English language content; Crime/Courts; Political/General News; Crime (ENGL GCRIM GCAT CRM)

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Boston Herald
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Monday, July 9, 2001

NEWS

# 'Rifleman' on firing line; Flemmi in court tomorrow

J.M. LAWRENCE

Reviled in prison and without protection from corrupt federal agents, Stephen "The Rifleman" Flemmi answers tomorrow in federal court to charges he murdered 10 people over the last 25 years.

"Ultimately he is going to be sentenced to a variety of life terms and get the death penalty," predicted Boston attorney Jeffrey A. Denner, who represents the family of alleged Bulger gang victim John McIntyre.

Flemmi's arraignment before a U.S. magistrate comes six years after federal authorities first delivered the landmark indictment which later exposed Flemmi's role as an FBI informant.

The indictment grew to a 111-page superceding document leveled this year in the government's quest to put a cap on the Bulger gang.

The charges sprouted similar indictments this year in Tulsa, Okla., and Miami courts, both states with the death penalty.

Representing Flemmi will be his new attorney, Assistant Federal Defender Charles P. McGinty.

McGinty just met the gangster recently, sources said. He could not be reached for comment.

The court ordered the Federal Defender's Office to take the case after Hub defense attorneys handpicked by federal judges turned down the job.

Unable to convince the courts to let him argue that his deal with the FBI gave him immunity, Flemmi faces a trial destined to rivet Boston perhaps as early as next year.

His expected reply of "not guilty" today to a host of charges, including instructing his brother to hide the gang's arsenal of guns, will set the stage for what one source called "a 1950s Kremlin-style show trial."

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"The government can't appear to give him anything," the source said.

The witness list will include Flemmi's own son and the gang's hitman, Johnny Martorano, who has admitted to carrying out orders to slay more than 20 people for the Bulger gang.

But in the grand scheme, Flemmi's arraignment tomorrow is merely a blip, according to Denner.

"The important moment will come when he's convicted and when the people who facilitated him, the individual FBI agents and their supervisors, are held accountable in the civil courts," said Denner, who has filed suit on behalf of the McIntyre clan.

A plea bargain for Flemmi, 66, is highly unlikely, sources said.

The government already allowed Flemmi in May to admit to racketeering charges which expedited the murder cases against him and allowed him to save some of his Back Bay properties from forfeiture.

One of Flemmi's former attorneys, Kenneth Fishman, who spent more than five years martialing the gangster's case against racketeering charges, expressed concern overFlemmi's lack of counsel while facing murder charges.

"That's nine months without a lawyer," Fishman noted.

During that time, Flemmi has spent many hours going over boxes and boxes of documents related to his case.

Of all Flemmi's alleged victims, the charges he murdered his two girlfriends, both age 26 when they were killed, have put the Bulger gang's crimes beyond the realm of gang warfare.

"The Davis family wants justice to the fullest extent of the law," said Robert Sinsheimer, who represents the family of Debra Davis, who disappeared 20 years ago.

Her family has "always been very appreciative of the hard work that the current administration (of the Boston FBI) put into this matter," Sinsheimer said. "But it's a bittersweet day for them and obviously it's the day they thought should have come a lot sooner."

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Caption: FLEMMI: Faces arraignment on 10 murders. Lost lives Stephen "The Rifleman" Flemmi's alleged victims: --Arthur "Bucky" Barrett, August 1983 -- Edward Connors, June 12, 1975, knew of another Bulger gang murder --Debra Davis, Flemmi girlfriend, late 1981.--Deborah Hussey, daughter of Flemmi's live-in companion, early 1985 --Richard Castucci, Dec. 30, 1976, after talking to the FBI --John B. Callahan, former Jai Alai executive, between June and August 1982, found in trunk of his Cadillac at Miami airport --John McIntyre, disappeared in November 1984 after talking to federal agents --Thomas King, Nov. 5, 1975 --Roger Wheeler, World Jai Alai owner, executed in his Cadillac after golf round in Tulsa, Okla., May 1981 --James Sousa, involved in botched robbery attempt and believed shot to death in October 1974. Body yet to be found.

--- INDEX REFERENCES ---

NAMED PERSON: DENNER, JEFFREY A; MCINTYRE, JOHN

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

NEWS SUBJECT: English language content; Crime/Courts; Political/General News; Crime (ENGL GCRIM GCAT CRM)

EDITION: ALL EDITIONS

Word Count: 556

7/9/01 BOSTONH 005

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7/31/01 Boston Globe B.3
2001 WL 3948264

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Tuesday, July 31, 2001

Metro/Region

# WOMAN ADMITS ROLE IN TIPPING BULGERS TO WIRETAPS

John Ellement, Globe Staff

A Quincy woman admitted yesterday that she indirectly helped tip off the brothers of gangster James "Whitey" Bulger that the FBI had tapped their telephones as part of the federal search for the fugitive in 1999.

Under a plea agreement with federal prosecutors, Linda Reardon, 43, could avoid a 10-year prison term and face only probation in return for her guilty plea to one count of obstruction of justice. Sentencing by US District Court Judge Edward F. Harrington was set for Oct. 30.

Bulger, who is on the FBI's Ten Most Wanted list, is charged with committing 19 murders while working as an informant for the FBI. He has been on the run since 1995, when he was allegedly tipped that he was about to be indicted.

According to Assistant US Attorney John H. Durham, Reardon was working for Bell Atlantic, now known as Verizon, in September 1999 when she noticed a work order calling for "pen registers" to be installed on telephones of William M. Bulger, president of the University of Massachusetts, and his brother, former Boston Juvenile Court clerk John P. Bulger. Pen registers track the phone numbers dialed from a particular telephone line.

Reardon passed on the information to her father, Edward Duff, on Sept. 21, 1999, Durham said. That same day, Duff told his brother-in-law, Richard J. **Schneiderhan,** a retired State Police lieutenant, about the court-authorized taps, the prosecutor said, and **Schneiderhan** then told a Bulger associate, Kevin Weeks.

The pen registers would have recorded numbers dialed for outgoing calls on phones in the South Boston homes of the Bulger brothers.

Weeks, who is cooperating with federal authorities, "provided that information to one of James Bulger's brothers," said Durham, who did not specify which brother was contacted by Weeks.

Duff and **Schneiderhan** have both been indicted on charges of obstruction of justice and pleaded not guilty.



In a brief proceeding before Harrington, Reardon said she is currently undergoing treatment for anxiety attacks and an unspecified "nervous condition."

---- INDEX REFERENCES ----

NAMED PERSON: REARDON, LINDA; HARRINGTON, EDWARD F; DURHAM, JOHN H; BULGER, WILLIAM M; BULGER, JAMES J

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

NEWS SUBJECT: English language content; Crime/Courts; Political/General News; Crime (ENGL GCRIM GCAT CRM)

NEWS CATEGORY: MET

REGION: United States; North American Countries; United States; North America (USA NAMZ US NME)

EDITION: THIRD

Word Count: 334
7/31/01 BOSTONG B.3
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Boston Herald
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Wednesday, October 31, 2001

NEWS

Bulger wire tap snitch sentenced to probation
J.M. LAWRENCE

A tearful former phone company worker apologized yesterday in federal court for telling her father about FBI tracing devices on fugitive James "Whitey" Bulger's brothers' telephones.

"I'm very sorry for what I did," Linda Reardon told U.S. District Judge Edward F. Harrington. "Believe me, I would never think of doing this again."

Reardon, 43, was shaking as Harrington ordered her to serve one year of probation for sharing the information that allegedly exposed former state trooper Richard Schneiderhan's friendships with the Bulger gang.

She pleaded guilty July 30 to obstruction of justice charges and had faced a possible 10 years in prison.

Reardon, a divorced mother from Quincy, lost her job over the Sept. 21, 1999, conversation with her father, Edward Duff.

The same night he got the information from Reardon, Duff passed the news over dinner to his brother-in-law, Schneiderhan, who then alerted Bulger lieutenant Kevin Weeks, according to an indictment against Schneiderhan.

Schneiderhan, 68, faces trial Dec. 3. Weeks is now a witness for the government.

Duff admitted to the conversation and was sentenced earlier this month to one year of probation.

In court papers, Duff, 69, claimed federal investigators had promised him the government would not prosecute his daughter if he confessed to telling Schneiderhan about the pen registers.

The FBI put the devices on the phones of Bulger brothers William Bulger, president of the University of Massachusetts, and John

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"Jackie" Bulger in hopes of uncovering a link to the famous fugitive's location.

Earlier this year, the government expanded the case against Schneiderhan's relatives to include his 38-year-old son.

Special prosecutor John Durham brought an indictment against Eric O. Schneiderhan, a career Army officer, accusing him of lying to a grand jury about his father's friendship with gangster Stephen "The Rifleman" Flemmi.

Schneiderhan's attorney, James P. Duggan, criticized Durham's investigation yesterday as an expensive venture fueled by old grudges in law enforcement against Schneiderhan. "He's spent millions and he's got two probationers," Duggan said.

— INDEX REFERENCES —

NAMED PERSON: REARDON, LINDA; SCHNEIDERHAN, RICHARD; DUFF, EDWARD; BULGER, WILLIAM; DUGGAN, JAMES P

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

NEWS SUBJECT: English language content; Crime/Courts; Political/General News; Crime; Regulation/Government Policy; Corporate/Industrial News (ENGL GCRIM GCAT CRM C13 CCAT)

MARKET SECTOR: Utilities (UTI)

INDUSTRY: Telecom Services; Regulations; Telephone Systems; Telecommunications, All (IGTR TLS TEL)

PRODUCT: Telecommunications (DTE)

REGION: United States; United States; North American Countries (US USA NAMZ)

EDITION: ALL EDITIONS

Word Count: 327

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8/3/01 Boston Herald 0142001 WL 3809468
**(Publication page references are not available for this document.)**



Boston Herald
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Friday, August 3, 2001

NEWS

# Hub FBI's 'alliance' with Mob results in over $1B in lawsuits

J.M. LAWRENCE

Lawsuits against the Boston FBI have soared to a total of more than $1 billion in claims charging the bureau's "unholy alliance" with gangster informants spawned extortion, wrongful imprisonment and murder.

"It was just a continual course of conduct and if at least someone, somebody in the FBI blew the whistle on what was happening, they would have prevented at least 20 other murders," attorney Albert P. Cullen Jr. said.

Yesterday, Cullen filed the latest suit against the bureau - a $25 million claim on behalf of Patricia Marie Maccarelli, the widow of Brian Halloran.

She was a mother of two young boys in 1982 when her husband began cooperating with the FBI to beat a murder rap for killing another low-level gangster and wound up dead.

The stories of other lives the bureau allegedly sacrificed to maintain its good relations with James "Whitey" Bulger And Stephen "The Rifleman" Flemmi fill thousands of pages of legal documents now in federal court..

The largest claim, $500 million, comes from the family of murdered Tulsa millionaire Roger Wheeler, who owned the sports betting facility World Jai Alai.

Bulger gang hit man Johnny Martorano has confessed he carried out orders to assassinate Wheeler in 1981 after the executive began uncovering the gang's skimming operation at Jai Alai.

In 1982, Halloran was willing to share the Bulger gang's secrets about Wheeler's killing in exchange for a place in the Witness Protection Program.

The bureau put Halloran and his family in a safe house, but later declared Halloran unfit for the program.

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"The FBI knew by doing so they placed Halloran and members of his family in danger of being killed," the suit says.

By the spring of 1982, FBI Agent John Connolly had learned from FBI supervisor John Morris about Halloran's cooperation and Connolly dutifully told Bulger he had a snitch in his ranks, according to the lawsuit.

Halloran, 41, was gunned down in a car outside a South Boston restaurant on May 11, 1982.

A friend who was with Halloran, Michael J. Donahue, also was killed and his family is suing for $36 million.

"The next time Morris asked Connolly to tip Flemmi off to an investigation, he added that he 'did not want another Halloran,"' the Halloran lawsuit says, repeating information that surfaced during landmark federal court hearings in 1998.

Several of the suits refer to an "unholy alliance" between the bureau and the Bulger gang.

Connolly is under indictment for obstruction of justice.

Another $375 million in claims against the bureau were announced last week by attorneys for Peter J. Limone, Louis Greco and Henry Tameleo.

The three men spent decades in prison based on wrongful convictions after the Boston FBI withheld evidence in a 1965 murder case to protect Flemmi's brother Vincent "The Bear" Flemmi and to break the New England Mob, attorneys claim.

In addition, the family of John McIntyre, who disappeared 32 years ago after agreeing to tell federal investigators about the gang's drug deals, is suing for $50 million.

Another $100 million in claims stems from the Bulger gang's alleged extortion of the Rakes' family liquor store in South Boston in 1984.

The FBI has declined comment on the pending litigation.

A special Department of Justice Task Force continues to probe FBI corruption over past decades.

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---- INDEX REFERENCES ----

NAMED PERSON: CULLEN, ALBERT F JR; HALLORAN, BRIAN; BULGER, JAMES J; WHEELER, ROGER; CONNOLLY, JOHN

NEWS SUBJECT: English language content; Lawsuits; General News; Legal/Judicial; Crime/Courts; Political/General News; Crime; Corporate/Industrial News (ENGL LWS GEN C12 GCRIM GCAT CRM CCAT)

EDITION: ALL EDITIONS

Word Count: 552

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2001 WL 3816374

Boston Herald
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Monday, November 12, 2001

NEWS

Parole board asked to clear dead man of murder he didn't commit
J. M. LAWRENCE

Louis Greco received a soldier's burial at Bourne National Cemetery five years ago but died a convicted killer who languished for 28 years in prison for a murder that FBI records show he didn't commit.

Now his longtime attorney, John **Cavicchi**, wants the state to exonerate the World War II vet who once held power in the New England mob.

"I want his name cleared," **Cavicchi** says. "Massachusetts has to put this behind it."

Greco, a Revere native, won the Purple Heart, two Bronze Stars and other commendations during his World War II service in the Army.

His legs were riddled with shrapnel during battle in the Pacific and he was honorably discharged in 1946.

But Greco went to prison in 1968 on the testimony of notorious mob rat Joseph "The Animal" Barboza in the Edward "Teddy" Deegan murder case.

**Cavicchi** has asked the state to wipe away "the stigma of this wrongful conviction" posthumously for the sake of Greco's family.

The Massachusetts Parole Board is considering the request, according to a spokesman.

The board has cleared Greco before. Members voted twice in the 1980s to commute his sentence, long before the Justice Department uncovered old FBI records last year showing he and three others were wrongly convicted of murder.

Greco himself passed a lie detector test in 1982 on a national television show where he denied taking part in the plot to kill Deegan, an amateur boxer who had offended mob leaders.



But each time, Greco's pardon stopped at the governor's desk.

Both former governors Michael Dukakis and William Weld cited Greco's history of organized crime as reason to keep him in prison.

Greco's only conviction prior to the Deegan case was a 1952 charge for adultery, according to **Cavicchi.**

Defense attorneys and congressional investigators who have studied the Deegan case believe the FBI manipulated Barboza to falsely accuse Greco, Henry Tameleo, Peter Limone and Joseph Salvati of killing Deegan.

Barboza and a partner actually committed the murder, defense attorneys claim.

The Massachusetts Parole Board majority also voted to release Limone, but that pardon never went through.

Earlier this year, Limone was released from prison after 33 years.

Limone and the estates of Greco and Tameleo are now suing the state and the FBI for $375 million.

**Cavicchi** said his effort to clear Greco's name is unrelated to the civil suit. "It doesn't have any bearing on it," the attorney said.

A pardon won't heal the wounds Greco's wife and two sons suffered after losing him for 28 years but the family still deserves the gesture, **Cavicchi** said.

One of Greco's sons committed suicide.

The state has pardoned a dead man before. On Sept. 9, 1983, the parole board cleared Irish farmers James Halligan and Dominick Daly, who were falsely accused of murder and hanged in the early 1800s.

Greco, a tough man who left school in the seventh grade and won fame as a boxer, was given burial in Bourne just before Congress passed laws denying a final resting place to vets convicted of murder.

---- INDEX REFERENCES ----

NAMED PERSON: GRECO, LOUIS; **CAVICCHI,** JOHN; LIMONE, PETER

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

NEWS SUBJECT: English language content; Crime/Courts; Political/General News; Crime (ENGL

GCRIM GCAT CRM)

REGION: United States; North American Countries; United States; North America (USA NAMZ US NME)

EDITION: 1ST EDITION

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*9-13-2001*

*re: [redacted]*

*John Durham Attorney General*

[redacted]

*re interview with congressional committee*

*left mess: 9-13-2001*

*9-28-2001 Joohn Durham returned call*

*Do you want to talk to John Durham directly, or would you talk to the staff attorney for the government of congressional reform? They would prefer you talk to him directly. His name is James Wilson, at [redacted] as long as your not concerned about them finding out about where [redacted] actually is. So far they don't even know what country he is in.*



AGREEMENT

Robert Daddieco, also know as [redacted], 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.

The representative of the FBI Contracting Office is Special Agent Michael J. Buckley.

Robert Daddieco _____ Date _____

Witness _____ Date _____

Ford R. Cole 10/1/2001

Contracting Official Date

Ford R. Cole
Contracting Officer
Federal Bureau of Investigation

TOTAL P.02

EXHIBIT
950

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THIS STORY HAS BEEN FORMATTED FOR EASY PRINTING

# Mobster says he stopped a hit

By Shelley Murphy, Globe Staff, 10/31/2001

Retired FBI agent John J. Connolly is awaiting trial on charges that he leaked information to his prized informants, gangsters James "Whitey" Bulger and Stephen Flemmi, that prompted them to kill three men - including two FBI informants.

But in an affidavit filed in court yesterday, Flemmi says that Connolly enlisted his help in saving the life of another FBI informant: a Mafia soldier who was targeted by a Las Vegas bookie.

Flemmi alleges in the affidavit that he warned Connolly in 1987 a Las Vegas bookie had recruited an associate to "assassinate" Rhode Island mobster Anthony "The Saint" St. Laurent because St. Laurent was extorting the bookie and had threatened the bookie's 15-year-old daughter.

Flemmi alleges Connolly revealed that St. Laurent was also an FBI informant. The FBI agent asked him to "intercede and stop the attempted assassination," Flemmi wrote in the affidavit filed in Providence Superior Court. "I was able to accomplish this task."

Boston lawyer Tracy Miner, who represents Connolly, said, "There's no way that John Connolly ever told one informant who another informant was. It's just not the way he operated."

The Flemmi affidavit, dated Dec. 13, 1999, was submitted yesterday 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.

St. Laurent, who is jailed in Rhode Island while awaiting trial on gambling charges, denied in 1997 when the allegations first surfaced during federal court hearings in Boston that he was an FBI informant.

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.



He then faces an additional five years in prison for the state conviction he is trying to overturn.

This story ran on page B2 of the Boston Globe on 10/31/2001.
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AFFIDAVIT

I, Steven Flemmi, on oath, do hereby depose and state the following:

1) For many years, including the 1980s, 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 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.

MEMO SENSITIVE: ADMINISTRATIVE OPERATIONS AND PROCEDURES (F.B.I. DOCUMENT) THREAT TO LIFE - DISSEMINATION OF INFORMATION

EFFECTIVE 1/21/87

Signed under the pains and penalties of perjury this 13 day of DECEMBER, 1999.

Stephen J. Flemmi

Steve Flemmi

THE HONORABLE WILLIAM D. DELAHUNT
1317 LONGWORTH BUILDING
WASHINGTON, DC 20515
202-225-3111
FAX: 202-225-5658

**To: Tom Bowman** **Date: 11/30**

**Fax #:** **Pages: 2 follow**

**From: Steve Schwadron**

**Comments:**

EXHIBIT
952

# Congress of the United States
## House of Representatives
### Washington, DC 20515

November 6, 2001

The Honorable John Ashcroft
Attorney General
Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Dear General,

As Members of the House from Massachusetts who sit on the Judiciary Committee, we were very disappointed by the Department's posture in the lawsuit brought against the United States government by the family of John McIntyre.

As you know, the family is seeking damages on the grounds that John McIntyre was murdered by James Bulger and Stephen Flemmi during the time when they were FBI informants working closely with the Boston office of the Bureau. In fact, the Justice Department agrees with the family that Bulger and Flemmi were the murderers. And of course the Justice Department has been forced by Judge Mark Wolf to acknowledge the extremely close relationship that existed over a period of years between the Bureau and these two men.

Apparently, faced with this extremely unfortunate -- and embarrassing -- set of facts, the Justice Department has resorted to the kinds of procedural tactics that give the legal profession a bad name. In the name of the United States government, your department has sought to dismiss the suit, not by any reference to the merits nor by any challenge to the underlying facts, but by arguing that the suit comes too late -- thus penalizing the family on the grounds that they had information about the murder of their relative which they did not in fact have, and which the government indeed helped keep from them.

The fact that family members expressed their view that Mr. McIntyre was dead several years ago is legally irrelevant. That belief formed no basis for a lawsuit, and indeed, had such a lawsuit been filed at the time, the department would surely have sought its dismissal.

In fact, the suit is a timely one based on the point at which the information relevant to the suit did become available to the family. Thus, we have the Justice Department whose collaboration with Bulger and Flemmi may have contributed to this murder invoking its own secrecy about that collaboration to thwart an effort by the victim's family to receive justice in federal court. It is hard to think of a response that would be less faithful to the commitment to justice that we expect of the people's government.

In the recent debate over the anti-terrorism bill, we and others expressed the view that we were supportive of the department's request for greater law enforcement powers but believed that we should at the same time enact some safeguards to prevent abuse of those powers. And one of the sets of events that led many of us to stress that latter point was the FBI's entanglement with Bulger and Flemmi. The response the department is making in this effort by relatives of one of Bulger and Flemmi's victims to seek some redress in court can only confirm the fears of many that the FBI -- and, sadly, the Justice Department which should be supervising it -- still fails to understand the importance of this point.

As Members of the legislative branch of the United States government on whose behalf you are fighting the McIntyre family, we urge you strongly to reverse this position and allow this matter to be discussed and ultimately resolved on its merits, not by the invocation of an inappropriate procedural rule.

Rep. Barney Frank  Rep. Martin Meehan  Rep. William Delahunt

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| The Estate of John L. McIntyre | ) | |
| | ) | |
| Plaintiff | ) | |
| | ) | Civil Action No.: 01-10408-RCL |
| v. | ) | |
| | ) | |
| United States of America, et al. | ) | |
| | ) | |
| Defendants | ) | |

**PLAINTIFF'S OPPOSITION TO DEFENDANT UNITED STATES' MOTION TO DISMISS**

NOW COMES the plaintiff, The Estate of John L. McIntyre, opposing Defendant Untied States' Motion to Dismiss and in support thereof states as follows:

1. Pursuant to Fed.R.Civ.P. 12(b)(1) defendant United States has moved for dismissal of all claims against it for lack of subject matter jurisdiction.

2. For the reasons stated in the attached Memorandum of Law in Support of Plaintiff's Opposition to Defendant United States' Motion to Dismiss with Exhibits, plaintiff hereby opposes the United States' Motion to Dismiss.

3. Plaintiff asserts the Motion to Dismiss should be denied based upon the record submitted by the parties before the Court. However, if the Court should determine that it cannot resolve the government's motion based upon the current record, or is inclined to allow the motion on "wrongful concealment" grounds and the current state of the record on that issue of fact, plaintiff requests that the Court order limited discovery on that issue prior to ruling on the Motion to Dismiss. See Dynamic Image Technologies, Inc. v. United States, 221 F.3d 34, 38-39 (1st Cir. 2000).



**REQUEST FOR ORAL ARGUMENT**

4. Pursuant to LR 7.1(D), plaintiff respectfully requests oral argument in this matter.

WHEREFORE, plaintiff respectfully requests that this Honorable Court:

A. Deny defendant United States' Motion to Dismiss;

B. Schedule oral argument on the United States' Motion to Dismiss;

C. Order limited discovery on jurisdictional issues, if necessary, for the reasons stated, supra, at ¶ 3; and

D. Grant such further relief as this Court deems necessary and just.

Respectfully submitted,

The Estate of John L. McIntyre
By Their Attorneys
SHAHEEN & GORDON, P.A.

Dated: November 15, 2001

By: William Christie (PAS)
William E. Christie #566896
Two Capital Plaza, 4th Floor
P.O. Box 2703
Concord, NH 03302-2703
(603) 225-7262

**CERTIFICATE OF SERVICE**

I herby certify that a true copy of the above document was served upon each party appearing pro se and the attorney of record for each other party by mail on November 15, 2001.

William Christie (PAS)
William E. Christie

Jeffrey Denker

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| The Estate of John L. McIntyre | ) | |
| | ) | |
| Plaintiff | ) | |
| | ) | Civil Action No.: 01-10408-RCL |
| v. | ) | |
| | ) | |
| United States of America, et al. | ) | |
| | ) | |
| Defendants | ) | |

**PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF OPPOSITION TO DEFENDANT UNITED STATES' MOTION TO DISMISS**

I. INTRODUCTION

On January 14, 2000, the remains of John L. McIntyre ("McIntyre") were discovered in a shallow makeshift grave in Dorchester, Massachusetts. McIntyre had been missing for over fifteen years during which time the United States government indicted him and told the courts, the public and his family that he was alive and a fugitive from justice, all the while engaging in a course of conduct to cover up the criminal activities of certain government agents as well as the wholesale violation of the Attorney General's Guidelines regulating and controlling the use of high echelon criminal informants. 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.

Following the discovery of McIntyre's body, the Estate was opened in May, 2000. On or about May 25, 2000, the Estate presented a duly authorized Notice of Tort Claim, pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671, *et seq.*, giving 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 Office of the Federal Bureau of Investigation. 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 fails because it ignores that the essence of any wrongful death action is proof of death -- evidence unavailable to plaintiff up until March 10, 2000 when the Suffolk County Medical Examiner certified McIntyre was "shot by another person(s)" and killed by "gunshot wounds to head and neck." See Certificate of Death attached as Exhibit A. Prior to this time, the McIntyre's possessed nothing more than a mother's intuition that her son was dead. Only the most cynical or paranoid could have believed that the government would enter into a cozy, mutually rewarding relationship with two of Boston's most brutal and vicious murderers. This imbalanced mental state would never have sanctioned the filing of a federal lawsuit. See

Fed.R.Civ.P. 11. Furthermore, the Estate did not know and could not reasonably have known the critical facts at the heart of the plaintiff's claim: that beginning in the late 1960s and continuing well into 2000, former agents of the FBI conspired to protect and shield from prosecution defendants James Bulger, Stephen Flemmi, Kevin Weeks and others in exchange for Bulger and Flemmi's agreements to provide information to aid the FBI in its prosecution of La Costra Nostra ("LCN"); that the Boston Office of the FBI never enforced or complied with the Attorney General's Guidelines relating to confidential informants; that the individual agents knew or should have known that Bulger and Flemmi had murdered informants cooperating with law enforcement; that despite this knowledge, the individual agents failed to prosecute and blocked investigations into Bulger and Flemmi's criminal activities; that despite this knowledge and understanding Bulger and Flemmi's propensities for violence when threatened, the government failed to protect McIntyre after he agreed to become an informant against Bulger and Flemmi; and that, as a direct and proximate cause of the agents' negligence, Bulger, Flemmi and defendant Kevin Weeks actually murdered John L. McIntyre.

This civil action arises out of the extraordinary hearings before Judge Wolf in United States v. Salemme et al., No. 94-10287-MLW, resulting in the September 15, 1999 opinion, 91 F.Supp.2d 141 (D. Mass 1999), that disclosed for the first time, in its factual findings, the astonishing relationship between the FBI and Bulger and Flemmi as well as the FBI's role in McIntyre's disappearance and, as was only later revealed, death. Prior to Judge Wolf's investigation into the FBI's policies and practices regarding Bulger and Flemmi's role as high echelon informants and the subsequent discovery of McIntyre's remains, the critical facts permitting the Estate to file its administrative claim were unknown and in the exercise of reasonable diligence could not have been known to plaintiff. See Heinrich v. Sweet, 44

F.Supp.2d 408, 415-419 (D.Mass. 1999) (claim based on death from early 1960s did not accrue until release of critical information in 1995 Presidential report).

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 elluded the investigatory power and resources of the federal government, until the government was forced fed them by Judge Wolf. Equally disturbing and further condemning the government's motion are the undisputed facts that the government affirmatively represented to the McIntyres specifically, and the public at large, that McIntyre was at best a fugitive from justice, and, at worst, a victim of someone other than Bulger or Flemmi. Incredulously:

- After representations by government officials to the McIntyre family that John McIntyre was alive and a fugitive from justice, see Complaint at ¶ 299;
- After returning a federal Indictment in April 1986 against John McIntyre seventeen months after his disappearance, see Indictment, United States v. Murray et al., No. 86-CR-118, attached as Exhibit B.
- After defendant special agent in charge James Ahearn publicly denied in 1988 that any special relationship existed between the FBI and Bulger and Flemmi, see Law Enforcement Officials' Lament About and Elusive Foe: *Where Was Whitey?*, The Boston Globe, September 20, 1988 attached as Exhibit C.
- After Assistant United States Attorney Gary Crossen publicly speculated in 1992 that Joseph Murray (rather than Bulger and Flemmi as now known) was responsible for McIntyre's disappearance, see Kevin Cullen, *Valhalla Case Now a Little Murkier Quincy Man Seen as Fall Guy in Leak*, The Boston Globe, December 24, 1992, attached as Exhibit D;
- After Jerry Padalino, special agent in charge of United States Customs, publicly stated in 1995 that officially, U.S. customs officials considered McIntyre a fugitive,

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Thursday, December 20, 2001

Metro/Region

# DEEGAN DEFENDANT FREED AFTER 34 YEARS

John Ellement, and Kathleen Burge, Globe Staff

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.

French, who has spent 34 years in prison, was one of six men convicted in the 1960s of killing Deegan in a gangland execution. Yesterday, he was the last to be freed when he walked out of the Suffolk Superior Courthouse into the embrace of his two daughters.

Flanked by his attorneys, Philip A. Tracy and Paul Prew, French declined to talk about the dramatic change in his life, which likely would have ended behind bars if Suffolk District Attorney Ralph C. Martin II's office had not decided to cancel a retrial of French for his role in Deegan's death.

"Merry Christmas," is all French would say to reporters.

Two of his codefendants, Peter J. Limone and Joseph Salvati, who long insisted on their innocence, had their convictions wiped off the books earlier this year after a judge found that FBI agents did not hand over exculpatory evidence to their lawyers. The three other defendants are dead.

The FBI documents were found by a special Justice Department task force assigned to investigate the relationship of FBI agents in the Boston office with South Boston gangsters James "Whitey" Bulger and Stephen "The Rifleman" Flemmi. Federal authorities have admitted the two were longtime FBI informants, and they are under indictment for at least a dozen murders and other crimes during the same period.

The reports suggest the FBI knew in advance that Deegan had been targeted for murder by organized crime figures, but that agents did not stop it. They also indicate that agents withheld information that would have undermined the credibility of the star prosecution witness, Joseph Barboza, a hit man and loan shark who implicated all six men.

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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.

In a 1983 affidavit, French said that the five other men were not "involved with me directly or indirectly in the shooting death of Teddy Deegan."

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.

Lee also said prosecutors had an ethical obligation to consider whether the orignal jury would have acquitted French if they had heard the FBI information that undercut Barboza's credibility on the witness stand. "It's quite possible they would have returned a different verdict if that information was available," Lee said.

Finally, Lee noted that French's 34 years in prison have been a longer term than some people convicted of second-degree murder have been incarcerated. "He has served a significant amount of time . . . and, arguably, he had paid his debt to society," Lee said.

Suffolk Superior Court Judge Margaret Hinkle, who also presided over the release of Limone, applauded Martin's office for concluding the Deegan murder case, now tainted by allegations of FBI misconduct.

"This is a courageous step for the office to take," Hinkle said from the bench.

--- INDEX REFERENCES ---

NAMED PERSON: MARTIN, RALPH C II; LIMONE, PETER J; BARBOZA, JOSEPH; LEE, MARK

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

NEWS SUBJECT: English language content; Crime/Courts; Political/General News; Crime (ENGL GCRIM GCAT CRM)

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|---|---|---|
| The Estate of Edward Brian Halloran | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | |
| v. | ) | Civil Action No. 01-11346-NG |
| | ) | |
| United States of America, *et al.* | ) | |
| | ) | |
| Defendants. | ) | |
| | ) | |

**UNITED STATES' BRIEF IN SUPPORT OF ITS MOTION FOR DISMISSAL**

**INTRODUCTION**

This action against the United States and certain individual defendants arises from the death of Edward Brian Halloran in 1982. Complaint, ¶¶ 2, 193. Plaintiff, decedent's estate, alleges that the decedent was a cooperating witness with the FBI. Complaint, ¶ 186. The decedent allegedly implicated two long-term FBI informants in a murder. Complaint, ¶ 186. Subsequently, the Estate contends, an FBI agent told the informants about decedent's cooperation with the FBI. Complaint, ¶¶ 192-194. Plaintiff alleges that after the informants learned of decedent's cooperation with the FBI, they murdered him. Complaint, ¶ 193.

The United States has moved for dismissal of all claims against it for lack of subject matter jurisdiction under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-2680, the exclusive remedy for common law torts caused by federal employees acting within the scope of employment. 28 U.S.C. § 2679(b)(1). The basis for the motion is that plaintiff failed to present its administrative claim within two years of its accrual as required by statute, 28 U.S.C. § 2401(b). Having failed to timely assert the claim, it is "forever barred." *Id.*

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EXHIBIT
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Plaintiff's administrative claim was submitted on September 27, 2000. As shown below, more than two years earlier, evidence was introduced at public hearings and widely reported in the press, which placed plaintiff on notice of its claim that the FBI was responsible for the death of its decedent by leaking decedent's status as an informant. Because plaintiff knew of, or by reasonable diligence should have ascertained, the basis for its claim more than two years prior to presenting its administrative claim, plaintiff's action against the United States is barred for lack of subject matter jurisdiction.

**STATEMENT**

I. The Complaint

According to the Complaint,[1] between the late 1960s and early 1990s, the FBI in Boston used two informants, James Bulger and Stephen Flemmi, known to have committed serious crimes and murders. Complaint, ¶¶ 39-57, 65-94, 104. Bulger and Flemmi provided information to their "handler," FBI Special Agent John Connolly, and Connolly's superior, FBI Supervisory Special Agent John Morris. Complaint, ¶¶ 10-11, 65-103. The FBI allegedly protected the two informants from prosecution and warned them about certain cooperating witnesses who had accused them of crimes. Complaint, ¶¶ 101-103.

Halloran was a criminal associate of Bulger and Flemmi. Complaint, ¶ 181. In January 1982, while under indictment for murder, decedent approached the FBI and implicated Bulger and Flemmi in the murder of Roger Wheeler. Complaint, ¶¶ 180-222. When Morris learned of Halloran's allegations he told Connolly. Connolly, in turn, told Bulger and Flemmi. Complaint,

[1]The facts alleged in the Complaint are assumed to be true for purposes of the motion to dismiss. *See Sebago, Inc. v. Beazer East, Inc.*, 18 F. Supp.2d 70, 84 (D. Mass. 1998); *Lowden v. William M. Mercer, Inc.*, 903 F. Supp. 212, 216-17 (D. Mass. 1995).

¶¶ 186-191. A short time later, Bulger "and others caused Halloran to be murdered" on May 13, 1982. Complaint, ¶¶ 193, 288.

II. Salemme Hearings

Hearings in *United States v. Salemme*, 91 F. Supp. 2d 141 (D. Mass. 1999) *rev'd in part, United States v. Flemmi*, 225 F.3d 78 (1st Cir. 2000), *cert. denied*, 531 U.S. 1170 (2001), were convened by Judge Wolf in January 1998, in connection with the criminal RICO trials of Francis Salemme, Stephen Flemmi, and several other defendants. Some of the hearings were publicized by Boston media outlets in detail.

According to the April 1998 testimony of former Supervisory Special Agent John Morris, around January 1982, he told Special Agent Connolly that Halloran was cooperating with the FBI and had implicated Bulger and Flemmi in the murder of an Oklahoma millionaire named Roger Wheeler. Salemme Hearing, Testimony of John Morris, April 22, 1998, at 112 (attached as Exhibit 1); April 24, at 74-75 (attached as Exhibit 2). Halloran alleged that Bulger and Flemmi had offered him a contract to kill Wheeler. Morris Testimony, April, 22, at 112. Exhibit 1. Morris testified that he expected Connolly would inform Bulger and Flemmi about Halloran's allegations. *Id.* at 112, 116, 118-19. Exhibit 1. Connolly indicated to Morris that he had shared the information with Bulger and Flemmi before Halloran was killed in May 1982. *Id.* at 114-16, 119 (Exhibit 1); April 27, at 114. Exhibit 3. Morris suspected that Bulger and Flemmi were responsible for murdering Halloran.[2] Morris testimony, April 22, at 121. Exhibit 1. The

[2]Further, during the same hearings, Morris also testified that he spoke with Agent Connolly in 1988 about an undercover investigation of a Boston bookmaker named John Bahorian. Morris told Connolly to tell Bulger not to harm Bahorian because Morris "didn't want another Halloran." Morris Testimony, April 22, 1998, at 121. Morris "was concerned that (continued...)

testimony of John Morris was widely reported in the local media (see below).

III. Media Reports

The allegations involving the FBI's use of confidential informants in Boston, including the revelation that two of Boston's top criminals were longtime FBI informants, received extensive media coverage in the Boston area. Articles discussing Bulger's role as an FBI informant were published as early as 1988 (stories describing Flemmi as an informant appeared later).[3] Other news stories, directly pertinent to the assertions raised in plaintiff's complaint which mention Halloran by name were published more than two years prior to the submission of plaintiff's administrative claim. They include the following:

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[2](...continued)
[Bulger and Flemmi] may have been involved in the murder of Brian Halloran, and I didn't want -- if that were the case, I didn't want it to happen again with Bahorian." *Id.*

[3]The Boston Globe reported Bulger's "special relationship" with the FBI in September 1988. Globe Spotlight Report, *The Bulger Mystique*, THE BOSTON GLOBE, Sept. 20, 1988 (describing how the FBI "has for years had a special relationship with Bulger that has divided law enforcement" and suggesting that the FBI protected Bulger from prosecution and other law enforcement investigations). *See Salemme*, 91 F. Supp. 2d at 155 n.5 (describing September 20 Boston Globe article). The Globe and other publications issued numerous follow-up reports over the next ten years spelling out Bulger and Flemmi's relationship with the FBI in increasing detail. *See e.g.* Dick Lehr and Kevin Cullen, *Liquor Purchase Fuels Friction Over FBI-Whitey Bulger Tie*, THE BOSTON GLOBE, Nov. 11, 1990 (describing Bulger as FBI informant); Sean P. Murphy, *Tape Topic: FBI Link to Whitey Bulger*, THE BOSTON GLOBE, Feb. 8, 1991 (identifying Bulger as FBI informant and describing tape recording of two criminals speaking and one stating that Bulger never got arrested because he was friends with Connolly); Shelly Murphy, *Finding his Way Home Reputed Crime Boss Returns to Old Haunts*, THE BOSTON GLOBE, July 31, 1994 (describing Bulger as informant); Richard Chacon, *Three Reputed Mobsters have Longstanding Ties to Each Other*, THE BOSTON GLOBE, Jan. 6, 1995 (same); Dick Lehr, *Bulger's Flight Spares FBI Burden of Ties being Aired, Insiders Say*, THE BOSTON GLOBE, Mar. 5, 1995 (same); Patricia Nealon, *Flemmi Says he, Bulger Got FBI's OK on Crimes*, THE BOSTON GLOBE, June 26, 1997 (describing Bulger and Flemmi as FBI informants). Patricia Nealon, *FBI Loyalty to Mob Duo is Detailed; DEA, Others Kept in Dark about Bulger, Flemmi Ties*, THE BOSTON GLOBE, Jan. 9, 1998 (same). Exhibit 4.

July 1997: The Boston Globe reported that the FBI continued to use Bulger and Flemmi as informants despite indications that they had been involved in the murder of Halloran and two others. The article described Halloran as an informant who told the FBI that Bulger and Flemmi had offered him a murder contract on Wheeler. Halloran "was gunned down in South Boston on May 11, 1982." Ralph Ranalli, *FBI used Whitey, Despite his Ties to 3 Murders*, BOSTON HERALD, July 7, 1997. Exhibit 5.

October 1997: It was reported that Halloran told the FBI about several murders committed by Bulger without realizing that Bulger "was one of the most prized FBI informants of all time" and describing Bulger's "20-year relationship with the FBI." According to the news story, federal court hearings were to be held "to determine whether the FBI deliberately ignored Bulger's criminal exploits while secretly using him to gather intelligence on the local Mafiosi." Shelley Murphy, *In 80s, FBI saw Bulger as Both Informant and Murder Suspect*, THE BOSTON GLOBE, October 3, 1997. Exhibit 6.

November 1997: A newspaper article stated, "Flemmi discloses his defense to the racketeering charges: that if he was involved in any criminal activity, it was sanctioned by the FBI." Edmund Mahony, *World Jai Alai, Mob Hits, and the FBI: A Chronology*, HARTFORD COURANT, November 9, 1997.[4] Exhibit 7.

December 1997: The Boston Herald published an article describing leaks in the Boston

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[4]Both the Boston Globe and the Boston Herald reported that Flemmi asserted in an affidavit that he and Bulger were assured that the two could commit any crime short of murder without fear of prosecution. Patricia Nealon, *Flemmi Says He, Bulger Got FBI's OK on Crimes*, THE BOSTON GLOBE, June 26, 1997 ("Mr. Morris told Mr. Bulger and I that we could do anything we wanted so long as we didn't clip anyone."); Ralph Ranalli, *Hood: Whitey Tipped by FBI; Flemmi Says Warning Let Mobster Escape Arrest; Flemmi: Feds Tipped Us off on Indictment*, BOSTON HERALD, June 26, 1997. Exhibit 8.

FBI office and speculating that Bulger was able to flee prior to being arrested on a 1995 indictment because "he had been tipped off by his old FBI contacts." According to the story, Flemmi wrote in an affidavit that he and Bulger had been leaked advance word of the pending charges by the FBI. The story further reported that "Edward Brian Halloran, may have been killed because others learned of his affiliation with the [FBI]." Ralph Ranalli, *FBI Suspected Leaks to Mob*, BOSTON HERALD, December 15, 1997. Exhibit 9.

April 1998: Numerous articles were published in the Boston Globe, the Boston Herald, and the Hartford Courant, as shown by the following excerpts from these papers:

Patricia Nealon, *Ex-agent Says he Told of Informer[,] Fringe Gangster Turned up Dead*, THE BOSTON GLOBE, Apr 23, 1998 (exhibit 10):

> In his most explosive testimony, the former head of the organized crime squad of the Boston FBI office said yesterday that he told the agent who handled gangster/informan s James J. "Whitey" Bulger and Stephen J. "The Rifleman" Flemmi that another informant had implicated them in the murder of a World Jai Alai executive -- fully expecting the agent would pass the information along to his two prized snitches.
>
> The inform ant, fringe gangster Edward "Brian" Halloran, soon turned up dead. Yesterday, former organized crime supervisor John M. Morris said he suspected that Bulger and Flemmi were involved in Halloran's murder.

Shelly Murphy, *Worst Fears Came True as Informant Lost Race for His Life*, THE BOSTON GLOBE, Apr. 23, 1998 (exhibit 11):

> And yesterday in US District Court in Boston, a former top-ranking FBI official confessed that the FBI may have caused Halloran's murder by revealing his cooperation to Bulger and Flemmi.
>
> Testifying under a grant of immunity, John M. Morris, former supervisor of the FBI's organ zed crime squad in Boston, said that in 1982 he told the agent who handled Bulger and Flemmi that Halloran was cooperating against the pair.

> Morris said he told John Connolly, a special agent, that Halloran claimed Bulger, Flemmi, and others had offered him a contract to kill Roger Wheeler, the millionaire chairman of the Telex Corporation and owner of World Jai Alai.
>
> Halloran claimed Bulger, Flemmi and others carried out the plot without his help, gunning down Wheeler on May 27, 1981 . . . .
>
> * * *
>
> Within weeks, Morris said, Connolly reported to him that he had told Bulger and Flemmi about Halloran's claims . . . .
>
> * * *
>
> . . . Morris admitted he was "concerned" that Bulger and Flemmi may have been involved in Halloran's murder.

Ralph Ranalli, *Ex-FBI Honcho: Agent Tipped Mobsters on Stoolie*, BOSTON HERALD, Apr. 23, 1998 (exhibit 12):

> An FBI agent admitted he tipped off gangsters Whitey Bulger and Stephen Flemmi that another bureau informant – who was later executed in South Boston – had implicated them in a murder scheme, a former FBI supervisor testified yesterday.
>
> Former Supervisory Special Agent John M. Morris also said he was so convinced Bulger and Flemmi were behind the 1982 execution of FBI cooperating witness Brian Halloran that six years later, when he feared they would murder a Roxbury bookmaker, he sent a message to the pair that he "didn't want any more Hallorans."

Peter Gelzinis, *'Good Guys' Weren't Good to Halloran*, BOSTON HERALD, Apr. 23, 1998 (exhibit 13):

> Edward "Brian" Halloran made a ton of mistakes in the 41 years he walked among us. But the biggest was placing his trust in the hands of the FBI.
>
> That blunder most certainly got him slaughtered on Northern Avenue 16 years ago.
>
> John Morris, once a G-man supervisor, never actually said he doomed this

Dorchester hoodlum. But then, he didn't have to.

Edmund Mahony, *Testimony Ties FBI Leak to Slaying of Gangster,* THE HARTFORD COURANT, Apr. 24, 1998 (exhibit 14):

> In perhaps the most explosive admission to date, a retired supervisory agent testified in court Wednesday that he believes the bureau tipped off James "Whitey" Bulger and Stephen "The Rifleman" Flemmi that another gangster – later shot down in the street – had implicated them in the 1981 execution of World Jai Alai owner Roger Wheeler of Tulsa, Okla.
>
> John Morris, an organized-crime squad supervisor in the FBI's Boston office from 1977 to 1983, testified under immunity that he believes an intentional leak from his squad led to the killing of that gangster, Edward Brian Halloran.
>
> * * *
>
> In court on Wednesday, Morris testified that in early 1982 he told FBI agent John Connolly that Halloran had implicated Bulger and Flemmi in Wheeler's death. At the time, Connolly was Bulger and Flemmi's handler, the agent they reported to. Connolly, in turn, reported to Morris, who ran the organized crime squad. Morris said he gave Connolly the information, fully expecting it would be relayed to the two informants.

Ralph Ranalli, *Ex-FBI Agent Likely to Take Fifth,* BOSTON HERALD, Apr. 24, 1998. Exhibit 15. "Allegations against Connolly include: [] That he tipped Bulger and Flemmi off that another FBI informant, Edward "Brian" Halloran, was accusing them of murder and that the tip may have led to Halloran's execution on May 11, 1982 . . ."

Patricia Nealon, *Prosecutor Hints Ex-FBI Handler of Bulger, Flemmi May Face Charges,* THE BOSTON GLOBE, Apr. 25, 1998. Exhibit 16. "Morris said he told Connolly about the claims of informant Edward "Brian" Halloran, who was shot to death in May 1982. Morris says Halloran was alive when he passed the information to Connolly . . . ."

May 1998: At least three articles were published in May adding further pertinent

information about Halloran's murder. The Boston Herald reported that Morris "has also accused Connolly of serious wrongdoing, including tipping off Flemmi and Bulger that another hoodlum had become an FBI informant and was accusing them of murder. That informant, Edward Brian Halloran, was killed in 1982 shortly after being told he was no longer under the FBI's protection." Ralph Ranalli, *Ex-Agent Wants to Clear His Name*, BOSTON HERALD, May 1, 1998. Exhibit 17.

Ralph Ranalli, *Whitey Taunted Fed about Slain Stoolie*, BOSTON HERALD, May 16, 1998 (exhibit 18):

> The May 1982 gangland execution of Halloran has been at the eye of the storm in ongoing federal court hearings about the FBI's controversial long-term informant relationships with Bulger . . . and criminal cohort Stephen "The Rifleman" Flemmi . . . .
>
> Halloran – not knowing Bulger and Flemmi were FBI informants – went to the bureau in 1982 with a story that the pair had offered him a $10,000 contract hit on Tulsa, Okla., businessman Roger Wheeler
>
> * * *
>
> . . . A former FBI supervisor testified last month that Bulger and Flemmi's primary bureau "handler," former Special Agent John Connolly, admitted telling Bulger about Halloran's accusations before the murder.

The Boston Herald also reported that "[f]ormer FBI supervisor John Morris testified last month that before Halloran's murder, Bulger and Flemmi were told that Halloran had accused them of offering him a $10,000 murder contract." Ralph Ranalli, *FBI's Mafia Bugs in Peril- Key Wiretap Requests May Have Contained False Info, Weld testifies*, BOSTON HERALD, May 28, 1998. Exhibit 19.

June 1998: At least two more articles about Halloran's death were published in June. The Boston Herald reported that "[f]ormer FBI supervisor John Morris testified two months ago

that Bulger and Flemmi's FBI 'handler,' Special Agent John Connolly, admitted telling Bulger and Flemmi about Halloran's cooperation before he was killed." Ralph Ranalli, *Whitey Linked to IRA Gun-Running*, BOSTON HERALD, June 3, 1998. Exhibit 20.

In another article, Ranalli again reported that "[a]nother former supervisor, John Morris, testified two months ago that Bulger and Flemmi's FBI "handler," Special Agent John Connolly, admitted tipping off the criminal duo about Halloran's allegations." Ralph Ranalli, *FBI Was Allegedly Told of Bulger Hole in Murder*, BOSTON HERALD, June 4, 1998. Exhibit 21.

July 1998: The Boston Globe reported the following statement: "In 1982, [Halloran] was gunned down after Connolly, according to testimony, told Bulger and Flemmi that the man had implicated them in a string of gangland slayings and the murder of an Oklahoma businessman." Shelly Murphy, *Cases Disappear as FBI Looks Away*, THE BOSTON GLOBE, July 22, 1998. Exhibit 22.

August 1998: Additional articles were published in August. Ralph Ranalli, *Questions Arise over FBI Agent's Knowledge of Slaying*, BOSTON HERALD, Aug. 5, 1998 (exhibit 23):

> In April, a former FBI supervisor testified that Connolly admitted tipping off Bulger and Flemmi about another FBI snitch, Brian Halloran.
>
> Halloran said Bulger and Flemmi offered him a $10,000 murder contract on a Tulsa, Okla., businessman, according to FBI reports. Halloran reportedly told the FBI he believed Litif had been murdered by Bulger in 1980.
>
> Halloran was murdered on the South Boston waterfront in May 1982. Connolly admitted that the tip-off happened before Halloran was gunned down, former supervisor John Morris said.

Later that month, the Boston Herald reported that "Connolly's former boss, John Morris, testified in April that Connolly admitted leaking Halloran's status to Bulger before he was

murdered." Ralph Ranalli, *Ex-FBI Agent Says Slain Dealer Was Informer*, BOSTON HERALD, Aug. 6, 1998. Exhibit 24.

September 1998: The Boston Herald reported:

> Gangster/FBI informant Stephen "The Rifleman" Flemmi has admitted being tipped off to the identity of another informer who was later executed, a federal judge revealed yesterday.
>
> Edward Brian Halloran was machine-gunned to death on the South Boston waterfront on May 11, 1982, shortly after telling the FBI that Flemmi and crime boss James "Whitey" Bulger had offered him a $10,000 murder contract on an Oklahoma businessman.
>
> Earlier this spring in ongoing pre-trial hearings about the FBI's controversial relationship with Bulger and Flemmi, former FBI supervisor John Morris testified that Flemmi and Bulger had been tipped off about Halloran's accusations prior to his death.
>
> Yesterday, U.S. District Court Judge Mark L. Wolf said Flemmi himself -- perhaps without fully realizing what he was doing -- blurted out confirmation that he had indeed been tipped about Halloran's status as an FBI cooperating witness.
>
> * * *
>
> . . . [Assistant U.S. Attorney Fred M.] Wyshak said the government believes Flemmi and Bulger were tipped off by their primary handler, former Special Agent John Connolly. He said the tip would prove the Flemmi-Bulger-Connolly relationship was "corrupt" and undercuts Flemmi's claim that he was given immunity for any crime "short of murder" - a claim Flemmi is using to fight a 1995 racketeering and murder indictment.
>
> * * *
>
> Morris test fied that Connolly admitted tipping off Flemmi and Bulger about Halloran before the murder. Connolly took the Fifth when called to the witness stand . . . . In 1989, a former Bulger associate and marijuana smuggler told the FBI that Halloran was murdered by Bulger and South Boston henchman Patrick Nee.

Ralph Ranalli, *Flemmi Admits Tip-off to Informant's Identity*, BOSTON HERALD, Sept. 2, 1998.[5] Exhibit 25.

ARGUMENT

This case is barred because the Estate failed to file a timely claim. The plaintiff knew of its injury, the death of the decedent, and its cause, murder, when Halloran was shot to death in May 1982. In addition, plaintiff became aware, or through reasonable diligence should have become aware, of the factual basis for its wrongful death claim – the wrongful disclosure of the decedent's status as an informant – at the latest, in April 1998. Nonetheless, the Estate delayed filing its claim until September 27, 2000, more than two years after accrual. As a result, plaintiff's wrongful death suit against the United States is untimely and "forever barred." 28 U.S.C. § 2401(b). For this reason, the Court lacks subject matter jurisdiction to hear it under the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 1346(b), 2671-2680. *See United States v. Kubrick*, 444 U.S. 111 (1979).

I. CLAIMS MUST BE PRESENTED WITHIN TWO YEARS OF ACCRUAL OR BE "FOREVER BARRED"

The United States as sovereign is immune from suit except to the extent it consents to be sued. *United States v. Sherwood*, 312 U.S. 584, 586 (1941). Absent a "clear relinquishment" of that immunity, a court has no jurisdiction over tort actions against the United States. *Dalehite v. United States*, 346 U.S. 15, 30-31 (1953). One of the limited waivers of sovereign immunity is the FTCA, which provides a remedy against the United States for certain torts of its officers and employees. *United States v. Orleans*, 425 U.S. 807, 813 (1976).

[5]It is likely that additional reporting concerning Halloran's death and Morris' testimony occurred on radio and television shows in the Boston area.

Under the FTCA, "'a] tort claim against the United States shall be forever barred unless it is presented in writing to the appropriate Federal agency within two years after such claim accrues . . . ." 28 U.S.C. § 2401(b); *United States v. Kubrick*, 444 U.S. 111, 113 (1979). The purpose of this requirement "is to encourage the prompt presentation of claims." *Id.* at 117 ("Section 2401(b), the limitations provision involved here, is the balance struck by Congress in the context of tort claims against the Government; and we are not free to construe it so as to defeat its obvious purpose, which is to encourage the prompt presentation of claims. . . . We should regard the plea of limitations as a 'meritorious defense, in itself serving a public interest.") (citations and punctuation omitted); *Zelenik v. United States*, 770 F.2d 20, 24 (3d Cir. 1985) ("Section 2401(b) does not guarantee that every injured party will necessarily be able to find and make a claim against a possibly responsible governmental agency."). The limitations period is a condition of the waiver of immunity. *Id.* at 117-18. Thus, filing "a timely administrative claim is a jurisdictional prerequisite which cannot be waived." *Attallah v. United States*, 955 F.2d 776, 779 (1st Cir. 1992); *Roman v. Townsend*, 224 F.3d 24, 28 (1st Cir. 2000); *Heinrich v. Sweet*, 44 F. Supp. 2d 408, 414 (D. Mass. 1999).

A. Accrual of a Claim Occurs when Plaintiff Knows of the Injury and its Cause

The general rule under the FTCA is that a plaintiff's claim accrues at the time of injury. *See Kubrick*, 444 U.S. at 120; *Attallah*, 955 F.2d at 779. As the Supreme Court has ruled, the critical facts necessary to proceed are knowledge of the injury and cause. *Kubrick*, 444 U.S. at 122. Where the injury and its cause are not immediately apparent, the First Circuit applies the "discovery rule" which extends the accrual period to the point in time "when the injured party knew or, in the exercise of reasonable diligence, should have known the factual basis for the

cause of action." *Attallah*, 955 F.2d at 780 (*citing Kubrick*). An "objective test" is used to determine whether the discovery rule applies: "[i]n order for the statute of limitations to be tolled pursuant to the discovery rule, the factual basis for the cause of action must have been *'inherently unknowable'* at the time of the injury." *Attallah*, 955 F.2d at 780 (citations omitted) (emphasis added).[6]

A plaintiff is obligated to attempt to uncover the facts surrounding the injury. *See Gonzalez-Bernal v. United States*, 907 F.2d 246, 250 (1st Cir. 1990). Suspicion of a claim "give[s] rise to a duty to inquire into the possible existence of a claim in the exercise of due diligence." *Kronisch v. United States*, 150 F.3d 112, 120, 121-22 (2d Cir. 1998) (dismissing suit where plaintiff, after watching televised congressional hearings, believed that he had been the unwitting subject of a experiment but failed to file an administrative claim within two years).

II. BECAUSE PLAINTIFF KNEW OR SHOULD HAVE KNOWN OF THE ALLEGED MISCONDUCT OF FEDERAL EMPLOYEES OVER TWO YEARS PRIOR TO FILING ITS ADMINISTRATIVE CLAIM, THE SUIT IS BARRED

Plaintiff presented its administrative claim on September 27, 2000. Exhibit 26. Thus, if its claim accrued prior to September 27, 1998, it is untimely. *See Kronisch*, 150 F.3d at 121. Overwhelming evidence shows that plaintiff's claim accrued before September 27, 1998.[7] As

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[6]"[A] plaintiff need not know each and every relevant fact of his injury or even that the injury implicates a cognizable legal claim. Rather, a claim will accrue when the plaintiff knows, or should know, enough of the critical facts of injury and causation to protect himself by seeking legal advice." *Kronisch v. United States*, 150 F.3d 112, 121 (2d Cir. 1998) (*quoting Guccione v. United States*, 670 F. Supp. 527, 536 (S.D.N.Y. 1987) (citations omitted), *aff'd on other grounds*, 847 F.2d 1031 (2d Cir. 1988).

[7]On a 12(b)(1) motion to dismiss "[t]he court, without conversion [to a summary judgment standard], may consider extrinsic materials and, to the extent it engages in jurisdictional factfinding, is free to test the truthfulness of the plaintiff's allegations." *Dynamic* (continued...)

shown below, the Estate's claim accrued as early as May 1982 but in no event later than April 1998.

A. Plaintiff's Claim Accrued in May 1982

Applying the principle specified in *Kubrick*, the Estate knew of its injury, the death of the decedent, and its cause, murder, in May 1982. Accordingly, the Estate's administrative claim should have been filed by May 11, 1984. As the First Circuit has stated, failure of the alleged wrongdoer to disclose his or her wrongdoing is not fraudulent concealment and likewise the failure of a claimant to discover the existence of a potential wrongdoer does not toll the statute of limitations. *Richman v. United States*, 709 F.2d 122, 123 (1st Cir. 1983). *See Gonzalez-Bernal*, 907 F.2d at 250 ("[m]ere silence of the defendant and failure by the plaintiff to learn of the right of action, alone, are not sufficient"; "[t]he government is under no duty to announce its suspicions or internal investigations to the world at large.") (internal citations and punctuation omitted).

*Zeleznik v. United States*, 770 F.2d 20 (3d Cir. 1985) is instructive on this point. In that case plaintiffs learned approximately seven years after their son was murdered that the killer, several days before their son's death, informed an INS employee that he was an illegal alien who had been involved in illegal drug transactions. The killer's contact with the INS was uncovered by a state legislative investigation. Within two years of the state investigation, the Zeleznik filed an administrative claim with the INS. The court held that plaintiffs' knowledge of the immediate cause of their injury, the murder of their son, sufficed and they did not need to know

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[3](...continued)
*Image Technologies, Inc. v. United States*, 221 F.3d 34, 37-38 (1st Cir. 2000); *see also Aversa v. United States*, 99 F.3d 1200, 1210 (1st Cir. 1996) (same).

of the INS' alleged negligent role in order for their claim to accrue. "Discovery of the cause of one's injury . . . does not mean knowing who is responsible for it. The 'cause' is known when the immediate physical cause of the injury is discovered." *Id.* at 23 (*quoting Dyniewicz v. United States*, 742 F.2d 484 (9th Cir. 1984)). Accrual, the court held, occurred when:

> the injured party had sufficient notice of the invasion of his legal rights to require that he investigate and make a timely claim or risk its loss. Once the injured party is put on notice, the burden is upon him to determine within the limitations period whether any party may be liable to him. . . . An injured party with the knowledge of injury and its immediate cause is in no worse position than any other plaintiff who must determine whom to sue in a obscure factual context.

*Id.* (citations omitted). *Accord Gibson v. United States*, 781 F.2d 1334, 1344-45 (9th Cir. 1986) (plaintiff who is aware injury caused by fire had enough information for her claim to accrue and the statute of limitations was not tolled until she learned that the FBI was allegedly responsible for setting the blaze). *See Dyniewicz v. United States*, 742 F.2d 484, 487 (9th Cir. 1984) (wrongful death claims against Department of Interior for negligence in failing to close highway during flood accrued against the Department when death of victims was ascertained and not when possible negligence of Department employees was discovered); *see also Gonzalez-Bernal v. United States*, 907 F.2d 246, 250 (1st Cir. 1990) (unnecessary for a plaintiff to know the identities of the specific individuals who murdered the decedent for the cause of action to accrue). Similarly, in this case, the plaintiff was required to investigate the death of decedent within two years of the death, or risk loss of its claim.

B. Plaintiff's Claim Accrued at the Latest in April 1998

Further, even under the "discovery rule" which extends the limitations period until "the

factual basis for the cause of action" is known, *Attallah*, 955 F.2d at 780, plaintiff's claim accrued no later than April 1998, with the extensive reporting of the testimony of a former FBI agent that Halloran's informant status had been revealed to Bulger and Flemmi. Because plaintiff's claim was submitted out of time, its suit must be dismissed for lack of subject matter jurisdiction. *See Attallah*, 955 F.2d at 780; *Gonzalez-Bernal*, 907 F.2d at 250.

Through the widespread publication of articles detailing the April 1998 testimony, every critical fact necessary to pursue the wrongful death claim was available to the Estate. On April 22, 1998, Morris testified that he told Connolly that Halloran had implicated Bulger and Flemmi in the murder of Wheeler, that Connolly relayed this information to Bulger and Flemmi while Halloran was alive; and that Morris believed Bulger and Flemmi had murdered Halloran as a result. This information was widely reported in Boston area newspapers of wide circulation. Further, these allegations are the precise premise of plaintiff's suit.

Where, as here, a potential plaintiff has access to the pertinent facts, the claim accrues for limitations purposes. *See Hoskins v. United States*, No. CIV.A. 00-1713, 2001 WL 175237, at *2 (E.D. La. Feb. 20, 2001) (lawsuit alleging United States negligently permitted entry of Formosan termites barred as untimely because plaintiff failed to diligently investigate the claim where "a simple trip to the public library" to review newspaper articles would have put him on notice more than two years before the claim was submitted); *Guccione v. United States*, 670 F. Supp. 527, 536 (S.D.N.Y. 1987), *aff'd on other grounds*, 847 F.2d 1031 (2d Cir. 1988) (extensive press coverage and trials made subject matter of suit public knowledge thereby establishing accrual of claim more than two years before it was filed); *Leftridge v. United States*, 612 F.Supp. 631, 635 (W.D.Mo. 1985) (applying due diligence rule, plaintiff was on notice of potential claim involving

OSHA where local newspaper report on workplace fire stated that OSHA had inspected the workplace).

*Kronisch v. United States*, 150 F.3d 112 (2d Cir. 1998), is pertinent. In that case plaintiff sued claiming that a CIA agent had placed LSD in his drink in a Paris café in 1952, causing him to suffer mental problems. In 1977, plaintiff's sister sent him an article detailing the CIA's experiments with the drug LSD and he began to watch televised Senate hearings about the CIA program. At this time he came to believe he had been drugged by the CIA. In late 1977 and January 1978, plaintiff wrote letters to federal officials describing this belief. Sometime prior to January 1978, plaintiff sought legal counsel. However, he delayed filing an administrative tort claim until December 1981. The court ruled that plaintiff had enough information prior to December 1979 to have filed an administrative claim and his claim was therefore time-barred. *Id.* at 123.

Likewise, in this case, the knowledge and information the Estate was on notice of in 1998, or reasonably should have been expected to discover, amounted to much more than a hunch or suspicion. *See Tuccione*, 670 F. Supp. at 537 ("[t]he diligence discovery rule does not preclude a claim from accruing until a plaintiff has actual access to every detail of his alleged injury."). Plaintiff knew its injury -- and the factual basis for its claim against the United States no later than April 1998. Nonetheless, plaintiff waited more than two years before submitting its claim. Accordingly, the Estate's claim is jurisdictionally barred.

## CONCLUSION

For the foregoing reasons, the United States' motion for dismissal should be granted.

Respectfully submitted,

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Dated: January 10, 2002

**CERTIFICATE OF SERVICE**

I hereby certify that on January 31, 2002, I caused to be served upon the following counsel a true and correct copy of the United States' Motion to Dismiss and Supporting Memorandum by U.S. Mail to:

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RECOMM

# Justice Dept. won't turn over memo in Salvati case

*by J.M. Lawrence*
Tuesday, February 12, 2002

The Department of Justice won't give Congress a 1967 memo by then-Massachusetts federal prosecutor Edward F. Harrington about whether to prosecute mob boss Raymond L.S. Patriarca and others in a murder that led to the wrongful imprisonment of Joseph Salvati and three other men.

While federal attorneys acknowledge the memo exists, they claim the old document is protected by President Bush's executive privilege, according to House Government Reform Committee sources.

Harrington, who became a federal judge in 1988, has agreed to testify to the committee Thursday on his role in convincing Mafia hit man Joseph "The Animal" Barboza to testify against the mob in the late 1960s.

"We're not bringing him in to accuse him," a committee source said. "We're bringing him in to ask him some questions and try to understand why this happened."

FBI documents uncovered a year ago revealed Barboza perjured himself in 1968 in the Edward "Teddy" Deegan case and sent Salvati to prison for life. He was released after 30 years and the case against him was dropped last year.

The FBI had an unauthorized bug in Patriarca's headquarters in the early 1960s that caught the mob boss giving Barboza authorization to assemble a crew to kill Deegan, according to the documents and committee sources.

In an interview with reporter Dan Rea of WBZ-TV that aired last night, Harrington grew emotional when asked about whether the government should compensate Salvati for the 30 years he spent in prison.

If Salvati was not involved in the murder, no amount of money would make up for the years he lost, Harrington said.

Harrington did not directly answer whether he ever saw the FBI report that details the names of Deegan's actual killers. Harrington, who battled the mafia under orders from then-U.S. Attorney General Robert F. Kennedy, declined a Herald request for

Barboza's attorney, F. Lee Bailey, said yesterday he doubted Harrington knew Barboza lied at tl murder trial. Bailey blamed FBI agents H. Paul Rico and Dennis Condon for thwarting Barboza's recant his testimony.

Barboza canceled a 1970s jailhouse polygraph that Bailey had arranged to attempt to uncover tl Deegan case.

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The House committee also has subpoenaed Rico, 76, to testify on Thursday about his role in he
beat first-degree murder charges in Santa Rosa, Calif., while he was in the Witness Protection I
committee has subpoenaed agent Condon but the 78-year-old agent is seeking permission to re
bed, committee sources said.

Jack Zalkind, the Suffolk County assistant district attorney who handled the prosecution in the E
yesterday he had no conversations with Harrington about the men whom Barboza accused.

Zalkind said he despised Barboza. But the former prosecutor contended the hit man's testimony
corroborated by others involved in the case.

Barboza's testimony in another mob murder plot sent Patriarca to jail in 1968. Patriarca died in 1



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# Ex-FBI Agent Convicted Of Helping Gangsters

## *Official Shielded Head of Boston Mob*

By Pamela Ferdinand
*Special to The Washington Post*

BOSTON, May 28—Former star FBI agent John J. Connolly Jr., who developed high-level mob informants in the 1970s and '80s in the fight against New England's Mafia, was convicted here today 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 determined that Connolly had alerted James J. "Whitey" Bulger and his associates in a predominantly Irish American crime syndicate in South Boston to pending indictments against them. Bulger disappeared in January 1995 and remains on the FBI's list of 10 most wanted fugitives.

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.

Of the 14 allegations related to the racketeering charge, jurors found nine false. But they found Connolly guilty of the five others, including giving $1,000 and a case of wine from Bulger to his former supervisor, former special agent John Morris. Morris was granted immunity and testified against Connolly.

Testimony severely damaged the reputation of the FBI's Boston field office, prompting the Justice Department to revamp its guidelines for handling informers and leading a congressional committee to investigate the Boston office's handling of mob informants in the 1960s. In the two-week trial, a rogue's gallery of witnesses, including several admitted killers, testified alongside federal judges and law enforcement officials.

Today, Connolly, who retired from the FBI in 1990, sat in the front row of the courtroom next to his wife and appeared to swallow hard as the verdict was read. Released on $200,000 unsecured bond, he declined to comment as he left the courthouse. He faces a maximum total of 20 years in prison, and sentencing is scheduled for Aug. 7.

deeply gratifying, it is always a somber moment when it becomes necessary to prosecute a member of law enforcement who has abused his authority and crossed the line from crime fighter to criminal," U.S. Attorney Michael Sullivan said.

"We're obviously happy we won the most serious of the charges," said Tracy A. Miner, Connolly's attorney. "I believe it was a compromise verdict and a compromise in John's favor."

From the moment of Connolly's 1999 arrest, prosecutors said he was a traitor to the cause of justice. Connolly, though, said he was a fall guy for the feds. He maintained that he had acted with the full knowledge, direction and approval of his superiors at the Justice Department and was unaware of the extent of his informants' crimes, which reportedly include more than 20 murders.

During the trial, Miner said Connolly only followed orders at a time the bureau was fighting the Mafia—which was the Bulger syndicate's chief rival—as intensely as it is now fighting al Qaeda. She said the information Connolly acquired from informants was critical in dismantling the Italian syndicate in New England.

However, Special Assistant U.S. Attorney John Durham argued that Connolly was corrupt from the time he recruited Bulger in the 1970s and became so close to mob informants that they nicknamed him "Zip" and "Elvis."

Prosecutors maintained that Connolly, during and after his stint as an FBI special agent from November 1968 to December 1990, helped the reputed mobsters in a racketeering enterprise that included illegal gambling, loan sharking, extortion and bribery. He also was accused of failing to report serious crimes in order to protect the informants from prosecution.

Connolly did not take the stand in his own defense, although his attorneys showed a 1993 FBI training video in which he gives agency rookies advice on how to handle criminal informants:

"You can get friendly with them and you can like them, but you can never forget who you work for and that you're an FBI agent," he said.

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John J. Connolly Jr. leaves federal court following the verdicts yesterday. His lawyer, Tracy Miner, is behind him at left. (Globe Staff Photo / David L. Ryan)

# Connolly convicted

## But jury acquits ex-agent of most serious charges

By Shelley Murphy and Thanassis Cambanis, Globe Staff, 5/29/2002

John J. Connolly Jr. left the FBI a hero for turning Boston's most vicious gangsters into powerful informants against the Mafia. But yesterday the retired FBI special agent was convicted of being a criminal himself for protecting those same informants, James "Whitey" Bulger and Stephen "The Rifleman" Flemmi, by tipping them off to their indictment and trying to undermine the government's efforts to convict the pair.

Yet even as jurors convicted Connolly, 61, of racketeering, obstruction of justice, and lying to an FBI agent, they found that prosecutors failed to prove the most serious charges against Connolly: that he leaked information that prompted the two gangsters to kill three men in the 1970s and 1980s.



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Jurors also found that prosecutors didn't prove that Connolly assisted Bulger and Flemmi when they forced a couple to sell their South Boston liquor store in 1984.

The jury found that prosecutors proved that Connolly delivered a case of wine with $1,000 tucked inside to FBI supervisor John Morris from Bulger and Flemmi in 1982 or 1983. But the jury rejected additional allegations that Connolly delivered two other bribes of $5,000 and $1,000 to Morris or that he participated when Morris alerted Bulger and Flemmi in 1988 that a Roxbury bookie's telephone was tapped.

And the jury also concluded that prosecutors failed to prove that Connolly received a two-carat diamond ring from Bulger. That charge hinged almost solely on the testimony of confessed hit man John Martorano, who said that he gave the stolen diamond to Bulger, who said he was giving it to Connolly as a present to his then-wife.

Neither Connolly's lawyer nor federal prosecutors would speculate on how much prison time he is likely to face under federal sentencing guidelines, but legal specialists have said it could be as much as eight to 10 years.

US District Judge Joseph L. Tauro said he would have revoked Connolly's bail immediately if he had been convicted of leaking information that caused the three killings, because he would have faced significantly more prison time. Instead, he set sentencing for Aug. 7 and allowed Connolly to remain free on the same $200,000 unsecured bond that was set after his December 1999 arrest.

"It is always a sober moment when it becomes necessary to prosecute a member of law enforcement who has abused his authority and crossed the line from crime fighting to criminal," US Attorney Michael Sullivan said after the verdict.

Connolly's "appalling" conduct was an affront to all law enforcement, Sullivan said, adding that any charges against other FBI agents raised during trial testimony would be investigated.

"We must always be ready to address head-on




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- FBI agent John Connolly
- FBI agent John Morris

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allegations of misconduct and corruption, even when directed at members of the FBI," Sullivan said.

Charles Prouty, the special agent in charge of the Boston FBI office, and Colonel Thomas Foley, head of the State Police, also joined Sullivan in reacting to the verdict.

Prouty said the FBI would continue to take steps to repair any damage caused by the Connolly case. "It's a morale-buster, there's no question about it," he said yesterday evening.

In reaction to the case, Prouty said, the FBI now has all new agents take polygraph tests and has stepped up its monitoring of current agents. There is an ongoing investigation into Special Agent John Newton, who was suspended this month because of charges raised during the trial.

"This conduct was abhorrent to all honest FBI agents," Prouty said. "We do want to turn the page and we hope to move on."

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As the verdict was read following 121/2 hours of deliberations over two days, Connolly blinked repeatedly and stared straight ahead, avoiding eye contact with the jury or his wife, Liz, who stood by his side. Once the jury of six women and six men left the courtroom, Connolly hugged his teary-eyed lawyer, Tracy Miner.

But Connolly, who has given countless interviews in the past to protest his innocence, insisting that FBI superiors blessed his handling of Bulger and Flemmi, left the courthouse with only two words, "No comment."

"We are obviously happy that the most serious charges were found to be not proven," said Miner, adding, "It seems to me to be an inconsistent verdict."

Part of the jury's verdict did appear contradictory when it came to the question of whether Connolly, who retired in 1990, warned his longtime informants, Bulger and Flemmi, and their codefendant, New England Mafia boss Francis "Cadillac Frank" Salemme, to flee on the eve of their January 1995 indictment. Bulger remains a fugitive on the FBI's 10 Most Wanted list with a $1 million reward for his capture.

In finding Connolly guilty of racketeering, jurors found that he had tipped off Bulger, Flemmi, and Salemme in advance of their indictment. But jurors found Connolly not guilty of a separate obstruction-of-justice charge of tipping off the gangsters to their indictment.

About two hours before reaching its verdict, the jury sent Tauro a question asking whether they could make different findings on the two charges, even though they contained the same allegation. The judge sent back a note, saying, "Yes."

While Connolly was convicted of four of the five charges against him, the verdict sent a strong message that jurors were unwilling to accept the uncorroborated word of a rogue's gallery of government witnesses that included Martorano, who admitted killing 20 people; former Bulger enforcer Kevin J. Weeks, who participated in five murders; and Morris, who admitted pocketing $7,000 in bribes from Bulger and Flemmi and tipping them off to investigations.

Martorano testified that he, Bulger, and Flemmi killed Revere bookie Richard Castucci in 1976. Martorano acknowledged he never met Connolly, but testified that Bulger told him Connolly had warned him that Castucci was an FBI informant and had revealed the hideout of two fugitive members of Bulger's gang.

Weeks had testified that he served as "lookout" when Bulger gunned down Brian Halloran on the South Boston waterfront on May 11, 1982, after he was allegedly tipped off by Connolly that Halloran was an FBI informant and had implicated him in the murder of a Tulsa businessman the previous year.

Again, Weeks's information about Connolly being the source of the leak was second-hand, coming through Bulger.

And Martorano said he killed Winter Hill gang associate John Callahan in August 1982 because Bulger told him that he'd learned from Connolly that the FBI was seeking Callahan as a potential witness against them.

Connolly cultivated Bulger as an informant in 1975 and inherited Flemmi from another agent a year later. He is the only agent to be charged since the FBI's corrupt relationship with Bulger and Flemmi was first exposed during federal court hearings in 1998.

The hearings were triggered by Flemmi's assertion that the FBI had authorized him and Bulger to commit crimes in exchange for information from them about local Mafia leaders.

Ultimately, US District Judge Mark L. Wolf, who presided over those hearings, rejected the claim by Flemmi, who later pleaded guilty and was sentenced to 10 years in prison. But the revelations of his betrayal prompted many of his former cohorts to cut deals with the government and cooperate against him and Connolly.

And it was Connolly's meddling in the 1995 case and his attempt to help Flemmi get it dismissed that came back to haunt him yesterday.

Jurors found Connolly guilty of obstruction of justice for writing an

anonymous letter to Wolf in March 1997 on Boston police stationery in an effort to persuade the judge to drop the charges against Flemmi. The letter falsely accusing retired Boston police Sergeant Detective Frank Dewan of fabricating evidence against Bulger and Flemmi.

Contacted in Florida last night, Dewan said he was "tremendously pleased" by the verdict, adding, "As far as I'm concerned that clears all the rumors that were spread by Connolly and his friends. He got so cocky. He had been able to do what he wanted for so long that he thought he was immune."

Jurors also convicted Connolly of another obstruction count for helping to persuade Flemmi to lie when he testified in the Wolf hearings and falsely accuse Morris of leaking word to him of the 1995 indictment.

And Connolly was also found guilty of making a false statement to an FBI agent in 1997 by denying he'd been in contact with Flemmi's defense team. Telephone records proved he'd made numerous calls to Flemmi's lawyer.

Special Assistant US Attorney John Durham, who led the prosecution team, said, "Nobody in this country is above the law, an FBI agent or otherwise, and ultimately the ends do not justify the means."

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Saturday, August 3, 2002

NEWS

# Connolly letter may be ethics violation

JONATHAN WELLS

A U.S. District Court judge may have violated ethical rules for federal judges this week by writing a letter to another federal judge urging leniency in the sentencing of former FBI agent John J. Connolly Jr.

In the July 31 letter, Judge Edward F. Harrington urged his colleague, U.S. District Judge Joseph L. Tauro, to "consider the contribution (Connolly) made to the government's campaign against organized crime" before deciding the ex-agent's fate.

In May, Connolly was convicted of racketeering, obstruction of justice and making a false statement in connection with his dealings with crime bosses James J. "Whitey" Bulger and Stephen "The Rifleman" Flemmi, who were both longtime FBI informants handled by Connolly. Tauro is scheduled to sentence Connolly on Sept. 12. Under federal guidelines, Connolly faces between eight and 20 years in prison.

According to the Code of Conduct for federal judges, written by the Judicial Conference of the United States in Washington, D.C., judges must be careful not to exploit the power of their position and, as such, should not volunteer information to sentencing judges unless they are formally requested to do so.

Several legal sources said such a formal request would have to come from the court, not from the defense or prosecution. It was unclear yesterday whether a formal request was made of Harrington by the court.

According to his clerk, Harrington is on vacation until after Labor Day and Connolly's lawyer, Tracy Miner, did not return a Herald telephone call.

Enforcement of the code of conduct for federal judges is carried out by individual Judicial Councils in each district of the federal court system. If a complaint were to be filed against a Massachusettts judge, it would be referred to the Judicial Council chaired by Chief Judge Michael Boudin of the Court of Appeals for the First Circuit.

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Harrington's letter, written on U.S. District Court letterhead, is the second time the judge has gone to bat for Connolly. At trial, Harrington took the stand as a witness for the defense and vouched for Connolly's overall good character and his effectiveness as a handler of criminal informants.

The judge's letter to Tauro echoed his trial testimony. Harrington wrote that Connolly "made a very significant contribution to the United States government's virtual elimination of the mafia from this region of the country by the effective utilization of criminal intelligence derived from top echelon informants."

Harrington added that he "always held Mr. Connolly in the highest regard and considered him to be a man of the highest character and ability."

Harrington, meanwhile, has himself taken heat from a congressional committee for his role in the handling of the late mob hitman Joseph "The Animal" Barboza, who was both an FBI informant and a star government witness in the 1960s and 1970s.

Long-hidden FBI documents which surfaced in December 2000 made it clear the FBI in Boston and Washington knew Barboza falsely accused four men of the 1965 gangland slaying of Edward "Teddy" Deegan, but the bureau remained silent as the men were convicted of murder in what was then a death penalty case.

Harrington and other federal officials went to great lengths to protect Barboza. They created the federal witness protection program forhim and later, Harrington traveled to California to testify on behalf of Barboza after he was charged with murder.

Victor Garo, the lawyer for Joseph Salvati, who was exonerated in the Deegan murder only last year after serving 30 years in prison, was surprised Harrington would try to influence Connolly's sentencing.

"It's a very unusual situation when a sitting judge writes on his own stationery to recommend leniency," Garo said.

Connolly, who retired in 1990, was found guilty of alerting his informants, Bulger and Flemmi, to their impending indictment in 1995, which allowed Bulger to flee and remain a fugitive.

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The veteran agent was also convicted of obstructing the government's subsequent prosecution of Flemmi and lying to an FBI agent about his numerous contacts with the Flemmi defense team.

Harrington has said he bases his glowing evaluation of Connolly on what he saw while serving as U.S. Attorney in Boston from 1977 to 1981 - a time when Connolly was on the FBI's organized crime squad, assigned to the New England Organized Crime Strike Force, and meeting regularly with Bulger and Flemmi.

---- INDEX REFERENCES ----

NAMED PERSON: CONNOLLY, JOHN; HARRINGTON, EDWARD F; BULGER, JAMES J "WHITEY"; FLEMMI, STEPHEN "THE RIFLEMAN"

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Wednesday, May 29, 2002

NEWS

# Former FBI agent guilty; Jury's verdict could land Connolly 8-20 year sentence

J.M. Lawrence

A federal jury yesterday convicted former FBI agent John J. Connolly Jr. of becoming a member of the Winter Hill gang and helping fugitive mob boss James "Whitey" Bulger run from the law.

"Their verdict speaks loudly to the fact nobody in this country is above the law, an FBI agent or otherwise. The ends do not justify the means," said special federal prosecutor John Durham, who continues to probe Boston law enforcement ties to organized crime.

In 12 hours over two days, the jury of six men and six women found Connolly guilty of racketeering, two counts of obstruction of justice and lying to investigators - charges that will send him to prison for 8-20 years depending on federal sentencing guidelines, sources said.

"It is always a somber moment when it becomes necessary to prosecute a member of law enforcement who has abused his authority and crossed the line from crime fighter to criminal," U.S. Attorney Michael Sullivan said after the verdicts were announced against the 61-year-old Connolly. "Today's verdict reveals John Connolly for what he became: a Winter Hill gang operative masquerading as a law enforcement agent," he said.

Connolly was once considered a star in the FBI's successful efforts to dismantle the New England Mafia. But prosecutors said he got too close to his informants, including notorious gangsters Bulger and Stephen "The Rifleman" Flemmi.

However, jurors found prosecutors did not prove Connolly was the source of the tip leading to the gang's murders of three men who were helping the government - informants Richard Castucci, Brian Halloran and grand jury witness John Callahan.

The jury also rejected prosecutors' claims that Connolly protected Bulger and Flemmi from prosecution for the 1984 extortion of a South Boston liquor store from Stephen "Stippo" Rakes and his former wife, Julie Bamners, who testified during the trial.

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'We are pleased that the jury found that John Connolly was found not guilty of the most serious acts alleged in the indictment,' Connolly's attorney Tracy Miner said. "None of the acts John Connolly was found guilty of resulted in any physical harm to anyone."

Miner called the jury's verdicts "inconsistent."

In the racketeering portion of the case, jurors found Connolly tipped Bulger and Flemmi in December 1994 to the impending racketeering indictments but found him not guilty on an obstruction of justice count involving providing information tipping Flemmi.

Connolly, who remains free on $200,000 unsecured bond and who faces sentencing Aug. 7, appeared ashen as the verdicts were read at 4:30 p.m. in U.S. District Court Judge Joseph L. Tauro's courtroom. He left the courthouse without comment.

Bulger and Flemmi led the Irish crime syndicate known as the Winter Hill gang that ran loansharking, gambling and drug operations in the Boston area. They were also top-echelon informants who ratted out the Mafia - their criminal rivals - to the FBI.

Bulger fled in January 1995 and remains a fugitive on the FBI's "Most Wanted" list.

Connolly, who retired in 1990, denied any wrongdoing and claimed all of his dealings with Bulger and Flemmi were sanctioned by his supervisors at the FBI in their zeal to bring down the Mafia. He also claimed he was unaware of the extent of his informants' crimes, including at least 20 slayings.

Massachusetts State Police Col. Thomas J. Foley boiled down a decade of state police and Drug Enforcement Administration investigations into Bulger, Flemmi and their corrupt protectors to this. "It wasn't right. It needed to be corrected. It has been and we'll just join together and move on to finish the rest of this case," Foley said.

Foley, a member of the team whose work unearthed the bodies of six mob victims in Dorchester graves in 1999, called Connolly's own children victims of the ex-agent's switch to crime. Connolly brought his twin sons and a 12-year-old to the opening and closing arguments of the trial.

'There are a lot of victims out there right now and unfortunately there's three more victims at least in John Connolly's family -

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three fine young boys who had to live through this. This is not a victory for anybody. This is something that had to be done," Foley said.

Investigators now are closely examining testimony from former FBI agents and supervisors during Connolly's trial regarding other bribes.

"That information will be pursued to determine whether it's appropriate to pursue charges," Sullivan said.

'The cost of Connolly and others' criminal misconduct and the lack of appropriate controls that allowed the misconduct to continue without interruption has been grave and widespread," he said.

Charles S. Prouty, special agent in charge of the Boston FBI, called the Connolly case a "morale buster" to his bureau and said agents are determined to regain public trust.

'This conduct is abhorent to all honest FBI agents. (The verdict) is exactly what they wanted. We do want to turn the page," he said.

Prouty said steps have been implemented at the bureau to protect against future corruption of agents. The FBI now administers a polygraph to all new agents and also uses random polygraph tests, he said.

Attorneys representing victims of the FBI's ties to criminal informants said the verdict strengthens their cases.

A total of eight civil suits against the government now demand more than $2 billion in damages.

"Once again the criminal link between the FBI and organized crime in Boston has been established beyond a reasonable doubt and that helps the McIntyre case immensely," said attorney Jeffrey Denner, who represents the family of another man killed by the gang when his informant status was leaked from the government.

With Bulger a fugitive seven years after Connolly's tip-off, investigators still have a final chapter to write in 35-year saga of the FBI and organized crime. "We still remain extremely optimistic we're going to be able to return James 'Whitey' Bulger to this courtroom to face justice," Sullivan said.

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Bulger fled in January 1995 and despite numerous sightings in the United States and overseas, he still remains at large.

Caption: CONVICTED: Former FBI agent John J. Connolly Jr. leaves the Moakley Federal Courthouse yesterday with defense attorney Tracy Miner after being found guilty of racketeering, obstruction of justice and lying to investigators. Staff photo by Nancy Lane

---- INDEX REFERENCES ----

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# Judge withdraws Connolly letter

9-10-02

## Public backlash cited after call for leniency

By Thanassis Cambanis
GLOBE STAFF

Bowing to public pressure, Senior US District Judge Edward F. Harrington yesterday withdrew his letter urging a colleague to go easy on convicted FBI agent John Connolly when he is sentenced on racketeering charges next month.

In a letter to the sentencing judge, Joseph L. Tauro, Harrington insisted his submission was appropriate despite ethical guidelines that clearly warn federal judges not to make unsolicited comments about pending cases to other members of the bench.

"I believed that my letter was entirely proper as it was requested by the defendant, relates specialized knowledge I acquired as a federal prosecutor, and concerns the type of information traditionally considered by sentencing courts," Harrington wrote.

Harrington's office said yesterday that he was on vacation and not available for comment.



EDWARD HARRINGTON

Connolly faces up to eight years in prison when he is sentenced Sept. 16 on charges of racketeering and obstruction of justice. A federal jury convicted Connolly in May of collaborating with organized crime kingpins James "Whitey" Bulger and Stephen "The Rifleman" Flemmi, who were high-level confidential informants for the FBI.

Harrington, a former federal prosecutor, testified on Connolly's behalf at

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Mr. Judicial Canons

EXHIBIT
959

# Judge recalls request for Connolly leniency

▶ HARRINGTON
*Continued from Page B1*

his trial, lauding the agent's contribution to the government's battle against the Mafia in the 1970s and 1980s.

In a four-page letter submitted Thursday and first reported by the Globe, Harrington reiterated his praise of Connolly's work and asked that Connolly's contribution to law enforcement be factored into his sentencing.

But the canon of judicial ethics warns sitting federal judges in strong terms "to be sensitive to possible abuse of the prestige of office" and not to initiate communications with sentencing judges.

Tracy Miner, the court-appointed lawyer representing Connolly, defended Harrington's letter as "totally appropriate."

"I'm concerned that this might have a chilling effect on other people who want to write letters," Miner said of the judge's decision to withdraw his letter. "If everyone who writes a letter is subject to media scrutiny, then some might opt not to."

A congressional committee already has questioned Harrington about his role in allegedly protecting informants when he was a federal prosecutor. Harrington served as US attorney in Massachusetts from October 1986 to April 1987, during the time that Connolly violated the FBI's rules on handling organized crime informants.

Harvard Law School professor Alan Dershowitz said despite the judge's about-face, Harrington's letter "still creates an appearance of impropriety" because Connolly has information that could potentially tarnish the judge's reputation.

"There's a perception out there that Judge Harrington may be protecting himself," Dershowitz said. "The harsher the sentence [for Connolly] the more likely he is to loosen his lips. That's why it was particularly inappropriate for Judge Harrington to weigh in on this case."

Withdrawing the letter mitigates some of the ethical impact, Dershowitz said, but Harrington already has compromised himself by making his position public. "You can't unring a bell once rung," he said.

Citing "the public criticism I have received," Harrington changed his mind about the presentencing letter just two days after sending it to the court.

"Given the present controversy surrounding my letter, I ask that my letter be withdrawn and not be considered in any way," Harrington wrote.

"I sincerely apologize to the court for any inconvenience or distraction my letter has caused."

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Wednesday, August 14, 2002

NEWS

# Salvati to sue feds for $300M

J.M. LAWRENCE

Wrongly convicted of murder and imprisoned for 30 years, Joseph Salvati will notify the FBI today he plans to sue the government for $300 million in the largest civil rights lawsuit of its kind.

His longtime attorney Victor J. Garo drew the figure from the amount the Iranian government was ordered to pay in punitive damages to journalist Terry Anderson, who was held hostage by terrorists for more than six years before his release in 1991.

"The Salvati case is worse than the Anderson case because this was done by our own government to our own citizen," Garo said.

Salvati, whose sentence was commuted in 1997, was exonerated last year in the 1965 murder of Edward "Teddy" Deegan.

A Middlesex Superior Court judge ruled FBI agents withheld evidence that might have proved his innocence and the state dropped the charges.

Calling Salvati "a casualty" of the FBI's 1960s war on organized crime, Garo is not the first to color the Salvati saga with images of government-sponsored terrorism.

In February during a Congressional hearing to probe the Deegan case, House Government Reform Committee Chairman Dan Burton (R-Ind.) declared, "It's terrorism being foisted on American citizens who are innocent and that's something we can't tolerate."

Federal courts ordered the Islamic Republic of Iran to pay former AP correspondent Anderson $300 million - three times the government's annual budget for "terrorist activities" - plus $41.2 million in compensatory damages.

Iran ignored the judgment but Congress appropriated the $41.2 million to be paid this year to Anderson, who is now an Ohio University journalism professor.

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Gato claims the FBI in 1968 helped mob hit man Joseph "The Animal" Barboza frame Salvati, now 69, and three others in the bureau's war on organized crime.

The Medford attorney said he is moving to file suit in frustration after discussions with the Department of Justice failed to produce a "fair and reasonable compensation package."

"It's avoidance, evasion and avoidance," Garo said. "What is the deterrent to the young FBI agents of today when no one has been punished for what went on in the Deegan murder?"

The Boston FBI declined comment yesterday on Salvati's claim.

"It's an ongoing matter," said FBI spokeswoman Gail Marcinkiewicz, citing a Justice Department Task Force investigation into possible FBI corruption.

The Deegan murder case has already spurred $375 million in lawsuits filed on behalf of three other men who were wrongfully accused.

Peter J. Limone, who spent 33 years in prison, has a $175 million suit now before U.S. District Court Judge Nancy Gertner.

The families of Louis Greco and Henry Tameleo, both of whom died in prison, are suing the FBI for $200 million.

"I've been specializing in law enforcement misconduct for 30 years and this is the worst case I've ever seen," said attorney Michael Avery, a Suffolk University Law School professor involved in preparing the cases for Limone, Greco and Tameleo.

Avery called the losses to the four men and their families "almost incomprehensible" and declined to discuss how attorneys arrived at the amounts demanded.

He asked how much it would take to convince a person to spend the next 30 years of their life in prison. "Is there any number you would take? I don't think so," he said.

Under federal laws, Salvati must notify the government six months

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before filing suit in federal court.

His claim argues the government should pay him $125 million in damages; $50 million to his wife, Marie Salvati; and $125 million to the couple's four children who grew up without their father.

The Salvatis now live on Social Security and Marie's pension and reside in a small North End apartment, according to Garo, who has represented Salvati for free for 25 years.

The consequences of FBI agents withholding evidence showing Barboza lied on the witness stand at the trial extend far beyond the lives of the men who were wrongly convicted, according to Garo.

"One has to understand the magnitude of the damage to our judicial system by the responsible parties. Judges, juries, appellate courts, including the Supreme Judicial Court, were misled intentionally," Garo said.

Massachusetts judges turned down 25 appeals connected to the Deegan case and the state parole board voted to commute Salvati's sentence in 1989, records show, but his commutation wasn't granted until 1997.

"We may not get a penny," Garo said, "but you're going to hear about the injustice in this state."

Caption: SALVATI

---- INDEX REFERENCES ----

NAMED PERSON: SALVATI, JOSEPH; GARO, VICTOR J; ANDERSON, TERRY

ORGANIZATION: FEDERAL BUREAU OF INVESTIGATION

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Boston Globe
SATURDAY, AUGUST 24, 2

# Council accepts judge's apology

By Thanassis Cambanis
GLOBE STAFF

A disciplinary committee decided yesterday that senior US District Judge Edward F. Harrington had been punished enough after the judge admitted he broke ethical rules when he asked a colleague to go easy on former FBI agent John J. Connolly Jr. at his sentencing next month.

The Judicial Council of the First Circuit stopped short of a formal investigation, because Harrington withdrew the leniency request he had filed on official court stationery and "sincerely" apologized for his violation, wrote Michael Boudin, Chief Judge of the US Court of Appeals for the First Circuit.

"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," Boudin wrote.

Harrington could not be reached for comment yesterday.

A former federal prosecutor, Harrington had worked closely with Connolly in the 1970s. In May, he testified at Connolly's criminal trial, at which Connolly was convicted of racketeering, obstruction of justice, and lying to protect his informants, South Boston crime boss James "Whitey" Bulger and Stephen "The Rifleman" Flemmi.

On July 31, Harrington sent a letter to his colleague on the bench, US District Judge Joseph L. Tauro, outlining the reasons why Connolly's crime-fighting contributions should win him leniency when he is sentenced Sept. 16.

However, the code of conduct for federal judges specifically prohibits them from initiating contact with a sentencing judge.

The disciplinary body that fields complaints about federal judges rarely makes its decisions public. Some outspoken critics of Harrington's actions, including Harvard Law professor Alan Dershowitz, praised the Judicial Council ruling.

"The fact that [Harrington] acknowledged he was wrong sends a very powerful message to other judges," Dershowitz said. "It's the perfect balance: They didn't try to cover it up, and they didn't try to make a scapegoat out of him."

Within days of submitting the letter, Harrington quickly changed position. Citing public criticism, he withdrew the letter and apologized to Tauro. The First Circuit's administrative office received calls complaining about the perceived violation of ethics rules, while legal experts and people who have followed the Connolly case declared that Harrington was abusing his position of authority by intervening for Connolly.

"These circumstances could contribute to a public perception that the 'judge's office' was being used 'to obtain special treatment for favored persons,'" Boudin wrote in yesterday's Judicial Council order. The Judicial Council brought the complaint against Harrington on Aug. 15, responding to numerous telephone complaints after the Globe reported on Harrington's letter.

Boudin determined that Harrington had been adequately censured for violating the canon of judicial conduct because Harrington withdrew his letter, admitted he broke ethics rules, and publicly apologized.

"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," Harrington wrote in his response to the official ethics complaint. "For this act, I am exceedingly sorry and sincerely apologize to the Judicial Council and to my fellow judges in the First Circuit."

The council, composed of the appeals court judges from the First Circuit and representatives from other circuits, can take action ranging from a private letter of reprimand to a referral for prosecution.

In this case, Boudin wrote, Harrington agreed to make the complaint process public, which "will achieve as much benefit as would be achieved by a formal investigation and will do so far more rapidly."

The US attorney's office had no comment on the Judicial Council's ruling.

But it was praised by retired Boston police Sergeant Detective Frank Dewan, who had considered filing his own complaint about Harrington's letter. Connolly was convicted of obstruction of justice for writing a letter to another federal judge falsely accusing Dewan of fabricating evidence against Bulger and Flemmi.

Dewan said he wants to see a fair sentencing process. He said Harrington should not have weighed in with his opinion.

"I'm glad he's been sanctioned," Dewan said. "It sends a message to the judiciary that they can't interfere with things like this. I only wish there could be more punishment. He deserves more than a slap on the wrist."

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*Thanassis Cambanis can be reached at tcambanis@globe.com*

EXHIBIT
962

1

# Connolly sentenced to 10-year maximum

Boston Globe 9/17/02

By Shelley Murphy
GLOBE STAFF

The end came quickly yesterday for retired FBI agent John J. Connolly Jr. Ten years in prison, starting now. No time for goodbyes, no time to go home and get his affairs in order. Just 18 minutes after his sentencing hearing began in US District Court in Boston, it was over, and a seemingly stunned Connolly was blowing a kiss to his wife as he was whisked out of the courtroom by federal marshals.

A pained look flashed across his face as the judge ordered him to serve 121 months in prison, the maximum called for under federal sentencing guidelines, for breaking the law to protect his notorious gangster informants, James "Whitey" Bulger and Stephen "The Rifleman" Flemmi.

Connolly, 62, who never took the stand in his own defense during his trial in May for racketeering and obstruction of justice, remained seated next to his two lawyers yesterday when invited by US District Joseph L. Tauro to speak. "I have no comment, your honor," he said.

The revelation in 1997 that



AP ILLUSTRATION

**John J. Connolly Jr. with attorney Tracy Miner during sentencing yesterday.**

Bulger and Flemmi were longtime FBI informants who were protected from prosecution for years triggered protracted federal court hearings, a congressional investigation, the overhaul of the guidelines governing informants, and lawsuits from victims' families seeking nearly $2 billion.

News of the betrayal also prompted some of the gangsters'

CONNOLLY, Page A13

EXHIBIT
963

Boston Globe 9/7/02

*"The FBI has no "wink-and-a-nod" policy."*

ROBERT J. JORDAN
*FBI's Office of Professional Responsibility*

# FBI official writes Connolly case judge

## Makes request for stiff sentence

By Thanassis Cambanis
GLOBE STAFF

For the first time, the FBI has officially weighed in on the sentencing of retired agent John Connolly.

In a letter released yesterday, a high-ranking bureau official told a federal judge that Connolly deserves maximum punishment because he "betrayed his oath of office, his duty to his fellow agents, and his brothers and sisters in law enforcement" by working with his criminal informants James "Whitey" Bulger and Stephen Flemmi.

Robert J. Jordan, assistant director of the FBI's Office of Professional Responsibility, wrote the letter to US District Judge Joseph L. Tauro, who is presiding over the case.

In May, a federal jury convicted Connolly of racketeering, conspiracy, and lying. Tauro will sentence Connolly on Sept. 16; he faces 8 to 10 years in prison, according to federal sentencing guidelines.

During his trial, Connolly's defense team argued that he cultivated relationships with crime bosses as part of the FBI's fight against the Italian organized crime syndicate, winning the praise of his bosses and acting in accordance with the bureau's guidelines on informants.

But Jordan, who worked as a street agent with Connolly in Boston, rejected that argument in his letter, dated Sept. 3 and written on official FBI stationery.

"I can attest that there is no FBI policy, official or otherwise, that enables an Agent to veer from the law in the development and maintenance of criminal informants," Jordan wrote. "The FBI has no 'wink-and-a-nod' policy that condones John Connolly's criminal conduct."

During Connolly's trial, one of his former supervisors testified that in 1988 he and Connolly warned Bulger and Flemmi that they were targets of a Boston police investigation. In his letter, Jordan wrote that Connolly compromised several more investigations



JOHN CONNOLLY
Convicted of racketeering

Ultimately, Jordan wrote, repeated police and FBI attempts to catch Bulger and Flemmi were foiled by Connolly's leaks, which "poisoned the trust that had existed among law enforcement [agencies] and caused us to grow suspicious of one another.

"This is the cost and legacy of John Connolly," he added.

Although Tauro has received dozens of letters since Connolly's conviction (some urging him to harshly punish the disgraced agent, others pleading for leniency), Jordan's two-page letter is the first from a government official writing in an official capacity.

Given Connolly's betrayal of his comrades, the State Police, and his badge, Jordan wrote, "the FBI suggests that the Court seriously consider the upper range of the sentencing guidelines in this matter."

In the last several weeks, some former colleagues of Connolly, including a retired agent with the US Drug Enforcement Administration and a former US Treasury official, have asked Tauro to go easy on Connolly.

Connolly's defense team is expected to include more than 100 letters on behalf of the former agent in their sentencing memorandum, to be filed sometime next week.

*Thanassis Cambanis can be*

2

A-13

# US judge hands Connolly maximum 10-year sentence

➤ CONNOLLY
*Continued from Page A1*

closest cohorts to cooperate with the government, leading to the discovery of several hidden graves and charges that Bulger and Flemmi murdered 22 people between them throughout the 1970s and 1980s.

The federal courtroom was packed for Connolly's sentencing, with his wife, brother and sister, and friends — including a couple of retired FBI agents — on one side, and an army of investigators and prosecutors who had spent years targeting Bulger, Flemmi, and eventually Connolly, on the other. Three young men whose father, Michael Donahue, was allegedly slain by Bulger 20 years ago, also watched solemnly.

"It's my hope that this sentencing marks the beginning of the end of a very, very painful and sad chapter in the Boston community and particularly in the FBI Boston office," Charles Prouty, the special agent-in-charge of the office, said during a news conference in the lobby of the courthouse. He vowed to regain public trust in an agency tainted by revelations that Connolly and other agents were corrupted by the criminals they had recruited as informants.

Although there was evidence at Connolly's trial that other FBI agents and as many as 20 Boston police officers routinely accepted payoffs or gifts from Bulger's gang, federal officials suggested yesterday that it may be too late to prosecute some of them.

Still, Special US Attorney John Durham, who led a task force of FBI agents that built the case [illegible] Connolly, said he is prepared to prosecute cases where he can. "The Department of Justice has given us an absolute green light to go wherever we need to go to try to establish what happened here. If there are matters that occurred within the statute of limitations, my marching orders . . . are to go there," he said.

In cases outside the statute of limitations, Durham said prosecutors will detail the alleged wrongdoing in a report to the department.

Reiterating the claim she made throughout the trial, Connolly's attorney, Tracy Miner, said after the sentencing that Connolly took the fall for the FBI. "He was made a scapegoat since day one," she said.

Miner said she doubted prosecutors would try to pressure Connolly into cooperating against others because it would only prolong an investigation that has embarrassed the FBI. "I suspect this will be the end of it," she said.

But US Attorney Michael J. Sullivan said prosecutors will pursue all leads and told reporters, "Although Connolly was not alone in the mishandling of informants, in assisting them in carrying out their crimes, it makes Connolly no less responsible."

Connolly, who retired from the FBI in 1990 after 22 years with the bureau, was convicted of tipping off Bulger and Flemmi to investigations, alerting them in advance of their 1995 racketeering indictment, and lying to an FBI agent about his efforts to help Flemmi beat the charges against him. Bulger, who skipped town on the eve of his indictment, remains a fugitive.

Connolly grew up in the same South Boston housing project as Bulger and was close friends with the gangster's younger brother, William, now president of the University of Massachusetts and formerly longtime president of the Massachusetts Senate. Connolly became a star agent by recruiting Bulger and other underworld figures as informants against local mob leaders at a time when the FBI was on a national crusade to decimate the Mafia.

Yesterday, Connolly dressed in a charcoal suit, white shirt and yellow-checkered tie, sat quietly as Tauro said he was most troubled by Connolly's efforts to undermine the 1995 case against Bulger and Flemmi while it was pending before another judge in the same courthouse.

"These were no mere fraternity house pranks," said Tauro, referring to Connolly's meddling behind the scenes when US District Judge Mark L. Wolf was considering dismissing the case due to Flemmi's claim that he and Bulger had FBI permission to commit crimes because they were valued informants against the Mafia.

Jurors found that Connolly wrote an anonymous letter to Wolf on Boston police stationery, falsely accusing a city detective of fabricating evidence against Bulger and Flemmi. He also persuaded Flemmi to lie during hearings before Wolf.

The phony letter and Flemmi's false testimony "attacked the very heart of what we attempt to do every day in this building — administer justice fairly," Tauro said.

Frank Dewan, the retired sergeant detective who had been smeared by Connolly's anonymous letter, left the sentencing feeling vindicated. "It's not often in life that someone who gets muddied up the way I did ends up getting cleaned," he said. "I am just hoping it doesn't end here, and that the rest of his friends in the FBI are prosecuted just like him. I think protecting Bulger and Flemmi was an institutional thing; there's no question in my mind about that."

But Connolly's friends, Dennis O'Callaghan, the former special-agent-in-charge of the FBI's Boston office, and Dick Baker, a retired agent, both criticized the government for using the racketeering statute to send Connolly to prison for longer than many of the mobsters he helped put away.

The judge refused a request by Connolly's lawyers to stay his sentence pending appeal, or to allow him to return home and report to prison on his own weeks from now, a fairly routine practice in federal court.

At the defense's request, Tauro did agree to recommend that Connolly, who has suffered from skin cancer and undergone two hip replacements, be allowed to serve his time at the federal medical facility at Fort Devens in Ayer. But it's unlikely he'll be placed there because his nemesis, former New England Mafia underboss Gennaro "Jerry" Angiulo, is currently serving his racketeering sentence at the same facility, according to federal officials.

Connolly was given lunch at holding cell at the federal co house, then sent to an undisclos prison yesterday afternoon. Fed al marshals declined to provide location, citing security concern

*Raleigh Ramsdell of the Globe sta contributed to this report.*

3444

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

FILE [illegible]
DATE WED JAN 31 1968

| Time | Caller | VIA | Action | Initia |
|---|---|---|---|---|
| 9 15 | Mr. DeLoach | TELE | Spoke To Director | TJM |
| 9 27 | Mr. DeLoach | TELE | Spoke To Director | TJM |
| 9 40 | Mr. DeLoach | TELE | Spoke To Director | TJM |
| 10 28 | Mr. DeLoach | TELE | Spoke to Director | TJM |
| 11 07 | Mr. Traverse Jerome J. Daunt (KYW-TV, Philadelphia, PA) | PERS | Saw Director | TJM |
| 6 10 | Mr. John Pierron | TELE | Exp. Rqts. Trans. to SA James Bland, CRU (pink note) | pd |
| 9 56 | Office Closed | | | PD |

DIRECTOR: IN - 9 01 OUT - 11 47 | IN - 12 49 OUT - 4 44 | IN - OUT - | IN - OUT - | IN -

EXHIBIT 964

DAILY LOG
DIRECTOR'S OFFICE
FEDERAL BUREAU OF INVESTIGATION

"PAGE 2"

FILE KWS

DATE Mon. APR. 29, 1968

| Time | Caller | VIA | Action | Initials |
|---|---|---|---|---|
| 10 14 | (EXP. CHIEF OF POLICE - M.P.D.) MR. JOHN F. RYAN | PERS | SAW DIRECTOR | JEC |
| | ASSISTANT DIRECTOR CASPER | | | |
| | BUREAU PHOTOGRAPHER | | | |
| 11 01 | DR. EDWARD L. R. ELSON | PERS | SAW DIRECTOR | JEC |
| 3 32 | SOLICITOR GENERAL GRISWOLD | PERS | SAW DIRECTOR | RET |
| | SA THOMAS J. MCANDREWS | | | |
| 4 04 | SA DENNIS M. CONDON | PERS | SAW DIRECTOR | JEC |
| 4 12 | ASSISTANT DIRECTOR GALE | TELE | SPOKE TO DIRECTOR | JEC RET |
| 9 02 | OFFICE CLOSED | | | BLG |

| DIRECTOR: | IN - OUT - | IN - OUT - | IN - OUT - | IN - OUT - |
|---|---|---|---|---|

EXHIBIT 965

FD 297 (1-28-57)

| Time | Initial | IC OG | Activity Recorded |
|---|---|---|---|
| | | | led by Lieut. George who is being paid off by ~~[illegible]~~ Sam. Lieut. George boss, Jerry Sullivan wait "take" Sam got a hold of Joe Teschi who contacted George Leary. Sam got a continuance until Tuesday. Sam says Ronnie and Louie Greco are in Florida. Sam says he saw Maxie recently and that Joey talked to Ronnie earlier week at the "Eddie". Sam told Joe Russo to watch Frankie Smith and Sam Syndon. Sam says that Smith, Lyndon, and Papino cannot be controlled. Sam says Joe Barbosa is in Florida. RL says Joe Bonano may be in Italy, and that Caruso is to take charge of the Commission. Sam says he recently talked to Phyllis McGuire. He was impressed by her. RLP tells how he goes to NY on 8:00 am trains and comes |

0-3

| Log 1 Page 2 | Employee's Name | Date Stamp |
|---|---|---|
| Day WED Date 2-24-65 | Thomas J. Lardner BS 837-C* | 92-HF |

109

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EXHIBIT 966

FD 297 (1-28-57)

| Time | Initial | IC OG | Activity Recorded |
|---|---|---|---|
| 9:00 am | | | Raymond in office |
| 10:03 am | | #1 | Henry Tamoko comes in. He tells Raymond he told Randolph to come in early. Raymond tells Henry some woman [illegible] Raymond to ask Henry to pay [illegible] [illegible] of [illegible] [illegible] probably nothing. Raymond says he told woman Henry [illegible] have money and to be willing to wait. Henry admits owing Raymond at least $13,000. Raymond says woman offered [illegible] [illegible] Henry tells Raymond that Brown (W) is coming today. They have been talking about Dorman (W). Brown (W) [illegible] for Henry the other night and asked him if he had seen Mike (Lou). Henry tells Raymond he told woman to come on Wednesday and to arrive before 12. Henry says he has 25% of 5,000 and that everybody plays on the [illegible]. He tells Raymond that anyone who goes into a bank with more than $2499 has his name and address taken by the bank. |

Log ..1..... Page ..1..

Day ..Tues..... Date 3-9-65

Employee's Name

E. Kennedy

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Date Stamp

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SERIALIZED ____ FILED ____

MAR - 9 1965

FBI - BOSTON

EXHIBIT

967

FD 297 (1-28-57)

52.

| Time | Initial | IC OG | Activity Recorded |
|---|---|---|---|
| | | | Henry stops by and talked about the [illegible] Perry (Crossroads of the County Prisoner C.) and Perry talked to [illegible] about the Indictment Trial [illegible] [illegible] [illegible]

FD 297 (1-28-57)

| Time | Initial | IC OG | Activity Recorded |
|---|---|---|---|
| 10:27 am | | #18 | Unman comes in and talks to Henry Tamelee. He mentions that a man came over to his house on Sunday and told him they have a man who wants to put up most of [illegible]. They are looking for it [illegible] 17%. Unman told [illegible] [illegible] says they are negotiated and [illegible] the highest figure. Unman told Frank (Lou) to take the whole lot. Unman told Henry he was talking to some woman who told him to come [illegible] night but Saturday |
| | | 20 | Unman says Jennie (Ph) is coming in today. They only want the stuff that [illegible] signed and the [illegible] bonds. The other stuff from Boston they don't want. [redacted] |
| | | 0-3 | [redacted] Unman says Jennie had a guy with him who is a real desperado. Henry says he needs 25% because there are so many bonds involved |
| | | 22 | Unman says "he" is coming down today. Henry says if they go for 75% |

| Log ..1..... Page 5.. | Employee's Name | Date Stamp |
|---|---|---|
| Day Tues.... Date 7-11 | [signature] | 147 |
| 35-537-C | | |

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FD 297 (1-28-57)

57

| Time | Initial | IC OG | Activity Recorded |
|---|---|---|---|
| | | | he would only get 2% – 2% of $188,000 which he figures comes to 36 or – there are too many hands in on the deal. There are 5 people involved |
| | | 24 | Unman says 25% is a good price [illegible] the stuff which is valued at $188,000 |
| | | 25 | Unman says he thinks they will go for 25% |
| | | 27 | Unman mentions the unman said in her bedroom – cash – Thursday night – they will be there |
| 11 52 pm | 0-3 | 28 | Unman ([redacted]) mentions name of Joe Burns. Raymond [illegible] to stella while longer. Raymond asks how Joe Burns is. Unman says OK Burns has been in New York and New Jersey. Raymond says Jerry called him yesterday. Unman mentions that ROMEO (ph) is getting unmarried next Sunday. |
| | | 30 | |

| Log ..1..... Page 4... | Employee's Name | Date Stamp |
|---|---|---|
| Day THE..... Date 3-9-61 | [signature] | 146 |
| BS-537 C* | | |

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FD 297 (1-28-57)

5C

| Time | Initial | IC OG | Activity Recorded |
|---|---|---|---|
| 25 12 [illegible] | | 31 | JIMMIE (Lnu) and JOE (Lnu) from Boston arrive. Jimmie tells Raymond they are having a problem with TEDDY DEEGAN (ph) Teddy and what he did to press some other people. Jimmie says that the pool did not have to be bolted. He mentions names CHRIS BROWN (ph) and BOBBY DONATI (ph). Jimmie says Rico SACROMONE (ph) went to the coin for bank robbery. BOBBY DONATI is friendly with Rico SACROMONE and DEEGAN is looking for an excuse to whack DONATI. The other night Deegan and four other guys scared a whole room full of guys. BOBBY DONATI came in while they were there and they cursed him. Later at 3 or 4 AM a girl knocked on Donati's door but he would not open it. He looked out the window and saw four guys in a car outside. Deegan is apprehensive over Rico SACROMONE. Rico borrowed $600 from Donati and Deegan terrorized him. Deegan thinks Donati is trying to set him up for Buddy McLean. Jimmie says |

| Log ...1..... Page 5 | Employee's Name | Date Stamp |
|---|---|---|
| Day TUES Date 3.9.65 | [signature] | |
| BS-837-C* | | |

FD 297 (1-28-57)

| Time | Initial | IC OG | Activity Recorded |
|---|---|---|---|
| | | | Deegan is an arrogant, nasty sneak. |
| | | 35. | Deegan fills Peter Simone'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. |
| | | 36. | Jimmie says he told Deegan if he wanted to shoot someone go to Somerville and shoot McLean. |
| | | 37 | Raymond says the other guy (George McLaughlin) sent a lawyer with $3000 to Jerry. Jerry pretended he did not know what the lawyer was talking about. Raymond said that was the best way to act or else the FBI would be in right away. Raymond said the lawyer was gone on booze. He mentioned that they also indicted the girl. |
| | | 37. | Jimmie says Eddie McLaughlin |

| Log ...1.....Page.6. Day.Tues....Date 3-7-65. BS-837-C* | Employee's Name | Date Stamp |
|---|---|---|
| | [signature] | |

| Time | Initial | IC OG | Activity Recorded |
|---|---|---|---|
| 7:31 A | [illegible] | | [illegible] duty - operating OK |
| 9:15 A | [illegible] | | R.P. in office |
| 9:15 A | [illegible] | | Woman in - R.P. talks about woman in home to help wife - come at 9:00 A leave at 5pm woman thinks she can get somebody. |
| [illegible] | [illegible] | | Rudy Scarlett in - mentions cops have been guzzling him - has letter from a JERRY AMICO who wants to paint picture of R.P.s wife. (Radio on Loads) |
| 7:15 P | [illegible] | | Frank Davis in - tells R.P. progress of trial concerns demolition of buildings in Haven Town Providence - Davis & R.P. contrary atty Bucci - Davis pays off money to R.P. |
| 1:50 A | [illegible] | | Rudy Bannon - says Frankie & John are broke need money for McGowen (atty) |
| [illegible] | [illegible] | [illegible] | Jerry A. in - says R.I. can EK 732 buzzing him since he arrived in city. |
| [illegible] | | IC | To R.P. from "Chick" - about Helen P. visit to Dr in Boston on 4/7/65 - X-Rays [illegible] good since Count around Lee, [illegible] |

Log 1 Page 7
Day Thurs Date 4/8/65
BS-837-CT
[illegible]-118

Employee's Name
F. E. Murphy

Date Stamp
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SERIALIZED ____ FILED ____
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FBI - BOSTON

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FD-297 (1-20-57)

| Time | Initial | IC OG | Activity Recorded |
|---|---|---|---|
| | | | Has firm determining growth & spread. Time story - 2 wks 3 wks - 6 months - R.P. tells "Chick" she has real pain - R.P. will get in touch with Dr. Stevens in Boston. |
| 12 05 p | | JC | Mon - Al Newman calls wants to know if OK to go bail & guys in NY - R.P. says Henry T will see Al back at CANAL 65542. R.P. tells Henry to call - Henry just arrived Henry will not recommend since guys took it on LAM before |
| 12 10 p | | | R.P. outlines Helen's condition to Jerry - Jerry will see Stevens. Jerry says there is a good human Federal Grand Jury being readied to whack them in Boston. Says Mooney was out snooping around - has the U.S. Atty. Jerry concerned since his now since Wimpy is a steal pigeon & has Jerry Flemmi [illegible] with him. Jerry says O'Toole & boys Henry [illegible] get [illegible] he wanted to see Jerry and it was a must. Jerry outlined all precautions he took for meet - (Eh Morocco.) O'Toole said Wimpy a steal pigeon & said he intended to kill Wimpy & J. Flemmi & brother. |

03

03

| Log 1 Page 2 Day Thur. Date 4/8/65 | Employee's Name | Date Stamp |
|---|---|---|
| BS-837-C2K 67-118 | F. E. Murphy | 7 15 |

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FD-297 (1-28-57)

| Time | Initial | IC OG | Activity Recorded |
|---|---|---|---|
| | | | Mention that Lowery is being set up - Lowery set up Harold Hanson. Mention of girl killed & chopped cut up - killed by - - 2 some (name indentist). They gave Jimmy Flemmi $500 to cut up & get rid of body. Jerry summoned Jimmy Flemmi last Friday and swore him to keep talk secret. He told him O'Toole was out to kill Flemmi and his brother over week-end as soon. Jerry also told Larry & Peter to lay low at home during week-end - at 12:30 A Saturday - (Sunday) Jimmy Flemmi rushed into Jerry's place & demanded he see Jerry - when he saw him Jimmy blurted out O'Toole had tried to kill Wimpy at his home but missed. He said Wimpy is thankful to you - Jerry said he (Jerry) got wild at this and told Jimmy he had told him in secret and it was just him & his brother - he had no right to tell Wimpy - Jimmy was shook at this and got in deeper by saying he knew about the meet at the El Marocco - named Mary and the - He also told Jerry he had a deal |

| | | |
|---|---|---|
| Page 1 Page 3<br>Date 4/8/65<br>BS-837-C24<br>D-118 | Employee's Name<br>F. E. Murphy | Date Stamp |

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| Time | Initial | IC OG | Activity Recorded |
|---|---|---|---|
| | | | with the law. to handcuff & kill O'Toole for $5,000 - Det. Stuart of BS Police mentioned - Mention of Leo Schwartz with O'Toole. |
| | | | Jimmy told Jerry that WIMPY was leave his home & 3 shots were fired at him - since he was warned by J.F. he was armed & fired back - a car with one man took off & the other guy went off on foot & got away. |
| | | | Jerry says - John Callahan - Lorenzo Boan asked him [redacted] about FLEMMIS - Jerry says he told CALLAHAN they were OK "not bad kids." John said they are trying more to McCarty |
| | | | Jerry says that when WIMPY was about at he called STUART of the BS. PD Det. Squad - Jerry knows this to be true since the Complaint Dept. at the PD. registered Bennett's name & they located Stuart for him & Jerry said that last night (4/7/65) FRANK POWERS, [redacted] BPD - was off duty and came in his place 1/2 drunk. Jerry gave him about 5 Rums and found out Stuart that day had gone to HOWLAND and [illegible] |

0-3

0-3

| Log 1 Page 4 | Employee's Name | Date Stamp |
|---|---|---|
| Day Thu Date 4/8/65 | F.E. Murphy | |
| BS-837-CLS 02 PM 8 | | |

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FD-297 (1-29-57)

| Time | Initial | IC OG | Activity Recorded |
|---|---|---|---|
| | | | The Namara said said he had proof the "Gimmies" were "inciting" the war. Powers said he was a detective for 10 years & Stuart was no good. Powers says Stuart must be getting info from the Feds. He told Jerry Stuart & Flemmi went to NYC on $100,000 of AMEXCO check (counterfeit) 5 or 6 months ago - mention of finding fee - Both Stuart & Flemmi were at a N.Y. Grand Jury Henry T. who has been present during above - mentions that when R.P. & Wimpy met in secret sometime back - things said were known in Boston - mention saving London gave Wimpy? Tooke $500 - He must be told not to this. Not clear but mention Teddy F has been ill with Measles - according to Bernie - who came in yesterday R.R. says he means to have Teddy get this guy & bring him down here ([redacted]?) mention of how things may be cleared up - seems thought will be given to get all |

0-3

Log 1 Page 5
Day ..... Date 11/16/65

Employee's Name: T. E. Murphy

Date Stamp: 2/2

BEST COPY

| Time | Initial | IC OG | Activity Recorded |
|---|---|---|---|
| | | | at once in one place - O'Toole, Flemm Hungry - |
| | | | Jerry says Larry saw Tommy Callahan - Tommy's story of how he was hit is outlined by Jerry |
| | | | Jerry is going to Badways & square stuff about bumpers - mention of large debt owed to Ch. De Santis |
| | | | Bumpley supply man in Melrose $384,000 $84,000 paid - Warrants group involved Corbo - - Phil the Grasp - Pinky |
| 1:40 p | | OG | To Peter - will be over at 2:30 |
| | | OG | Get number of Dr Stevens in BS - its BE 2-3911 - |
| 3:00 p | | OG | Dinner of calls by Freddy C. |
| 5:02 p | | | Dissolution |

Log 1 Page 6
Day ..... Date 4/1/65

Employee's Name: F.E. Murphy

Date Stamp

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PRIVILEGED AND CONFIDENTIAL

ATTORNEY WORK PRODUCT

# WORLD JAI-ALAI: A CHRONOLOGY

James F. Ring
Legal Assistant
BINGHAM, DANA & GOULD
100 Federal Street
Boston, Massachusetts

July 12, 1983



September 11, 1967

REPORT OF DETECTIVE JOHN DOYLE

Joseph Barboza at Barnstable County Jail on evening of September 8, in the presence of FBI agents Dennis Condon and Paul Ricco and Detective Sergeant Frank Walsh and Detective John Doyle of the District Attorney's Office.

With reference to the murder of Edward Deegan, Joseph Barboza related the following information. He stated that he was first approached by Peter LaMonie during the first week of February, 1965, to do away with Edward Deegan. The reason that the death of Deegan was desirable was allegedly because Deegan, Harold Hannon, and Wilfred Delaney had held up an Angulo bookmaker by the name of Tapalo and had stolen a considerable amount of money from him and had also ransacked his home. Deegan was the only survivor left from the score. Hannon and Delaney had previously been found murdered and floating in the Boston Harbor. Joseph Barboza stated that he met LaMonie this first week in February while waiting for Jerry Angulo at the office located on Prince Street across from the Doghouse restaurant. This office is known as the Huntington Realty Trust Company. After he had been made aware of LaMonie's presence, he allegedly asked LaMonie if Henry had OK'd this score. LaMonie said, "Yes," and the fee was to be $7500. After leaving LaMonie, Barboza went to Henry Tamilio and asked if in fact he had stated to LaMonie that Deegan was to be wiped out. Tamilio told him that Deegan, "Has to go." Barboza tried to find a way to rub out

3

EXHIBIT
970

Deegan, but it was exceedingly difficult because Deegan was being extra careful. Sometime in the early part of March, Joseph Barboza was in Miami, Florida, and in the company of Ronnie Cassesa, when he met Johnny Foto, Hy Goldman, and Louie Grecco in the parking lot adjacent to the Peppermint Lounge in Miami, Florida.

Grecco told Barboza he was having trouble with his wife and he wanted Joe to "Wack her out." Barboza said no, he didn't kill women, especially some guy's wife. The conversation then ensued between Grecco and Barboza with reference to killing Deegan. Grecco told Barboza that Roy French steals with him and French is friendly with Grecco and that he thought DEEGAN that he, Grecco, could get Roy French to set up Deegan. Grecco stated at that time that he wanted a piece of the action. It was further alleged that Roy French was in trouble with Buddy McLean and that Joe Barboza would straighten out his troubles with the McLean gang if French set up Deegan.

Barboza returned from Florida around the eighth of March, 1965, and Grecco also came to Boston from Florida. Grecco and Joe Barboza went to the Ebb Tide in Revere where they met Roy French. French was informed of the plan that Grecco and Barboza had previously discussed, and French told him that he thought he could work it out. By this French meant he would be able to set Deegan up. Barboza went to see Peter LaMonie and informed him of this set up. French told

Barboza that he was going on a score with Deegan but that there would be another man present. When Barboza related this information to Peter LaMonie, Peter said, "Get the other man, and there will be another $2500 in it for you."

After meeting with LaMonie, Joseph Barboza, Louie Grecco, Romeo Martin, and Ronnie Cassesa had a meeting at 19 Fleet Street, where the final plans were drawn to kill Deegan. The plan was as follows:

Louie Grecco and Romeo Martin were to be in the alleyway adjacent to the bank building and waiting for French and Deegan. Joe Barboza was to get Stathopoulos who was to be parked outside the alley. When the night of the alleged killing arrived, Grecco and Romeo Martin left the Ebb Tide in Louie Grecco's car, and proceeded to the area alone. Joe Barboza went to the scene in Romeo Martin's car, accompanied by Ronnie Cassesa and Joe the Horse. Before leaving the Ebb Tide, Joe Barboza bent the number plate located in the front of the car and Ronnie Cassesa curled the rear number plate to obscure the numbers. Barboza and Cassesa were armed with a 357 Magnum. Joe the Horse had a 38 caliber Smith & Wesson. Upon reaching Fourth Street, Barboza parked Romeo Martin's vehicle at approximately 9:30 P.M. on Fourth Street on the other side of Broadway, so that he had a clear view of Fourth Street and the area adjacent to the alleyway. While parked in this area, a Chelsea Police Captain approached the

vehicle, walked around the front to look at the bent number plate, walked to the rear of the car and observed the number plate in the rear also bent, and then approached the driver's side of the car. He unbuttoned his coat and Barboza stated that he thought the man was going for a gun. With that, he put his car in gear and pulled away from the scene, sped down Fourth Street, and signaled Chico Amico to follow him, and they left the area. They returned to the Ebb Tide restaurant and waited to see who would arrive back there.

About a half an hour after they had arrived at the Ebb Tide, Roy French, Romeo Martin, and Louis Grecco arrived at the Ebb Tide. Barboza stated that he was so glad to see French that he hugged him and to the best of his knowledge was observed by some police officer, because of hearing about it later on. He stated that French had blood on his right sleeve and right shoe, and French said he would explain this by saying he had broken up a fight earlier in the evening at the Ebb Tide.

They all retired to the office in back of the coat racks on the first floor of the Ebb Tide where they discussed what had happened. Joe told them the reason they had left the area. French said that when he went into the alley, he shot Deegan quick because he was afraid he would get shot by the other guys. Grecco said he shot him three times in the vest and the stomach. Romeo said he also shot him a

number of times. French went out to the mouth of the alley and motioned to Stathopoulos with both hands, however, Grecco shouted, "Get him, too." This caused Stathopoulos to gun his car and get out of there quick. French, Louie Grecco, and Romeo Martin went back to the Ebb Tide in Louie Grecco's car.

Grecco wanted his money so he could return to Florida. The next day, Joe Barboza went down to Prince Street to meet Peter LaMonie to collect the money for the job and was paid $7500. This $7500 was supposedly provided by Tapalo the bookmaker. Barboza stated that he gave Romeo Martin $1500 at Fleet Street; Chico and Joe the Horse received $750 apiece at the Fleet Street hangout and that he went over to East Boston at the corner of Bennington Street to meet Louie Grecco where he paid him his $1500. Grecco told him he would return to Florida because he had set up an alibi and would have the hotel bill to show he was present in Florida. French received no money because Joe Barboza was going to square his "beef" with the McLean gang.

When questioned by Sergeant Walsh and Detective Doyle, Barboza stated that they turned over their guns to Ronnie Cassesa. He further stated that the bullet-proof vest that he was wearing he gave to Joe the Horse. He further stated that instead of bending the number plate at the Ebb Tide, that the number plate was bent on the side street at the scene of the shooting in Chelsea, and when they got

back to the Ebb Tide the number plate was straightened out again.

Typed by J. Kiernan, D. A.'s Office

Statement of Joseph Barboza, in the presence of Sgt. Det. Frank L. Walsh, Det. John Doyle of the District Attorney's Office, and Dennis Condon 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

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Statement of Joseph Barboza, Continued:



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:

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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 Tameilo 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 hat

Statement of Joseph Barbora, Continued:

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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 color. 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 them. I got out and they got out of their car and they walked into the alley 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 (Obs.) it up. I drove down Pearl Street, across Broadway, took a right onto Fourth Street and parked on Fourt on the left-hand side against the curbstone.

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Statement of Joseph Barboza, Continued:

-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 leave. 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

**AFFIDAVIT**

I, William C. Nally of South Yarmouth depose and say as follows.

1. I am retired from the Massachusetts State Police, where I attained the rank of Major prior to my retirement.

2. I have known retired Colonel Peter W. Agnes longer than either of us would care to recount. We have retired to the same community and see one another frequently.

3. Like Colonel Agnes, I was one of five senior Massachusetts Police officers who would have been affected by an outside section of the FY '82 state budget. Like Captain Agnes, and for the reasons set forth in his Affidavit, which I have read, I know of no facts which support the comparatively recent allegations that the budget item was payback for an investigation of "Whitey" Bulger.

4. In particular, I assert that (a) I had no contemporaneous knowledge of the Lancaster Street Garage investigation and played no role in it; (b) that there was no payback message ever delivered to me by the Senate President; and (c) Senate President Bulger never appeared to me to be either a friend or foe on matters involving the state police or me. I could not have been punished for a role in the Lancaster Street Garage matter as I played no role in it.

Signed under the pains and penalties of perjury this 14 day of June, 2003.

William C. Nally
William C. Nally



**AFFIDAVIT**

I, Peter W. Agnes of Massachusetts on oath depose and say as follows:

1. I am a retired Lieutenant Colonel in the Massachusetts State Police Department and am one of five former senior officers who would have been adversely affected by an outside section of the FY 1982 state operating budget that never took effect because Governor Edward King vetoed it. The other potentially affected officers and the ranks they then held were Lieutenant Colonel John O'Donovan, Major John Regan (now deceased) and Captains William Nally and Robert Zoulas.

2. I am aware of 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.

3. First, the claim was made after the fact. Attached to this affidavit is a copy of a news article from the Boston Globe written when the budget was before the Governor for his review. There was no suggestion in it or any contemporaneous news accounts that I recall of any connection between the State Police interest in James "Whitey" Bulger, nor that Senate President William Bulger played any sponsorship role in the matter.

4. Second, I was generally aware that certain members of the uniformed branch of the State Police favored limitations on career advancement opportunities and retirement benefits for officers like me who entered the State Police as Detective Lieutenants. The proposed outside section would impose such limitations on officers like me.

5. Third, I was not involved in the investigation of the Lancaster Street Garage in any capacity.

6. Finally, I have never believed William Bulger to be unfavorably disposed to me personally.

Signed under the pains and penalties of perjury this 19th day of June, 2003.

Peter W. Agnes

EXHIBIT
973

# yuit a meal . . .

By Catherine Poole
State House News Service

By the time the pesky, leaf-eating gypsy moths finished their annual meal this year they had defoliated approximately half the land in the Commonwealth, according to Stan Hood, chief of the Bureau of Insect Pest Control.

Hood estimated that the caterpillars munched through 2.5 million acres this year. Last year, 907,000 acres were damaged by gypsy moths, he said. The bureau will not know exactly how many trees were destroyed for all trees and other years, since trees normally do not die immediately after being defoliated.

Hood said he could not put a price on the damage caused to the trees, and he maintained that the nuisance cost to residents — the cost of lost business at campgrounds, the closing of swimming pools and recreation areas and the like — probably was far more than

Hood, said he is not yet sure what caused the record outbreak of gypsy moths this year. It is common for the insects, which are native to Europe, to have one year of relatively little activity and a huge feast on another, he said.

Mike Hurricke . . . spray plane

This year's agencies had been aware they were headed for "trouble" with the gypsy this year, but they did not know how much damage would be caused, Hood said. "I have to be honest. We probably did not do as much spraying as we could have done."

Hood said Massachusetts probably will suffer from the moths again next year, although the problem will not be as severe.

This year, many residents used home remedies on the insects. Some people sprayed a mixture of soap and water on the caterpillars or wrapped a metal strip around a tree to prevent the caterpillars' upward climb. The latter method was effective only when the caterpillars above the metal had been killed already, Hood said. Otherwise, they were forced to remain in the tree.

Chemical spraying and use of biological treatments were more effective, Hood said, and towns had to fund these methods, he said. Aerial spraying of chemicals costs approximately $8 per acre, and biological controls cost $30 to $35 per acre. People often do not want to spray because they think it is dangerous, but spraying is safe if label warnings are obeyed, and it is a much more effective method than biological controls, Hood said.



Gypsy moth caterpillar

# I . . .

By Joseph M. Kraus
and Christie Pryant
Globe Staff

An agreement was filed yesterday in Suffolk Superior Court that brings the long-delayed $125 million air cargo and marketing center project at Logan Airport's Bird Island Flats one step closer to being built.

Suffolk Superior Court Judge William C. Young indicated he probably will give his approval to the agreement early next week despite objections of Massachusetts Environmental Affairs Secretary John A. Bewick.

The agreement, signed by the East Boston environmental group Air Impact Relief (AIR) and the Massachusetts Port Authority, includes provisions for Massport to limit use of the 90-acre flats for a combination of air cargo handling, market and conference center and computer and edge technology training center.

Massport also would be required to bar truck and other airport traffic from using Porter and Maverick streets in East Boston as access routes to the airport. Such traffic was a principal point of protest by East Boston residents.

Massport also would have to build on its airport property roads that would route all heavy traffic to the Bird Island Flats area, and also would have to provide noise barriers together with constant monitoring to reduce traffic and aircraft noises.

The agreement also calls for Massport to consider providing a day care center for airport employees and Jeffries Point residents and workers. It also provides for Massport to construct a walk-to-theseat type park at Jeffries Point Cove and other recreational facilities in the Jeffries Point area.

"From my perspective, if (the agreement) would put the project one step closer to becoming a reality, it would put 2000 construction workers out on the site," Massport spokesman Patrick Moscaritolo said in a telephone interview yesterday.

Assistant Atty. Gen. Stephen Leonard said that Bewick opposed the agreement because it might be used as a bar to any future litigation that might be needed to force Massport to comply with environmental regulations.

Young said he would consider unfolding in his new order information that would keep the way open for any future lawsuits.

Peter Kaff, lawyer for AIR, urged Young to approve the agreement.

Kaff said the agreement is acceptable to AIR and "Massport has gone out of its way to comply with environmental requirements."

Moscaritolo said the project has received the approval of the Environmental Protection Agency, the Department of Transportation and the Federal Aviation Administration.

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Tauro said Harrington . . . the investigation establish . . . who no relationship betwe . . . and Kelly.

The judge said Harring . . . not object, until a defense . . . was filed accusing the pro . . . of using false testimony th . . . trial.

To step out of the case . . . said, would establish "an . . . ling precedent that would . . . courage the inherently unc . . . practice of judge shopping.

"Under our system, . . . do not choose their judges, . . . declared.

According to Harrington . . . tion, Tauro said during Kel . . . trial last April that the . . . trial's case was very weak . . . was up to the prosecu . . . to try. That proceeding ended . . . trial, with the jury deadlo . . . for conviction.

Kelly is accused of e . . . $34,000 from a Worcester . . . firm.

The 1982 legislature, in . . . wake of allegations of abu . . . a board of contracts in the . . . administration.

Harrington claimed the . . . hearing, which Kelly . . . the motion, although a D . . . "admitted a source favored . . . Republican Volpe administ . . . resisting efforts to subp . . . governor's brother, going . . . witnesses, manipulating . . . tion of the committee's . . . minimize its unfavorable . . . on the Volpe administra . . . seeking an advance opp . . . Volpe administration to . . . its defense."

During the disqualifi . . . hearing, Harrington claim . . . played a major role, prepa . . . witnesses for their testimony, . . . ing what information the . . . minister and advising . . . the political implications . . . testimony.

Tauro said he played . . . the 1982 hearing except e . . . tain witnesses can be claimed to . . . with Atty. Walter H. Sul . . . counsel for the governor's . . . at the end of the hearing.

Harrington claimed Ta . . . rings, including key events . . . the Kelly trial, substantia . . . errors, the prosecutor's c . . . Kelly's lawyer, George A. . . . Jr., who urged Tauro . . . withdraw, argued the ju . . . rings, excluding the prior . . . were . . .

# State budget item called threat to crime unit

By Frank Stanton
Globe Staff

The transfer of the criminal intelligence division of the Massachusetts State Police would be dismantled if a state budget "side item" requiring reduction in grade or mandatory retirement at age 50 is passed.

State Secretary of Public Safety George Lightbody and Public Safety Comm. Frank Trabucco yesterday called on Gov. Edward J. King to veto the one line item that has been tacked on to a 1974 appropriation that consolidated the State Police . . . five bureaus.

Trabucco said his division chief, Lt. Col. Jo . . . P. O'Donovan, but . . . army com . . . Maj. John F. . . .

Also in the unit are three captains, Peter Andrews, William Kelly and Robert Zullo, whose ages all over 50 would be forced to retire or accept reduction to lieutenant detective under terms of the amendment.

There are more than 100 side items that have been added to the budget and public safety leaders say no one knows exactly where they came from. Unlike a dollar item, side items are not usually signed by a governor.

"Only organized crime can benefit from this action," Lightbody said.

He said that if the investigators lose their jobs through reduction in rank or retirement, "we would lose our entire intelligence gathering management team."

Neither the secretary nor the commissioner were consulted by anyone before the item was inserted in the budget, both men said yesterday.

Prior to consolidation in 1974 the Public Safety Division had two detective bureaus. One was composed of men primarily from the uniformed branch which handled investigations that generally were initiated out of the various barracks. From time to time they would also be assigned to work with Civil Service detectives, particularly on a major crime.

The other, and last . . . was made up of appointees from a Civil Service list — men and women who had passed an examination for lieutenant detective. Prior police experience was a prerequisite. They were assigned to State Police headquarters, the state fire marshal's office and the various district attorney offices.

Uniformed men retire at age 50. Civil Service employees can work until they are 65.

When the two detective bureaus were merged, a grandfather clause was invoked which assured Civil Service detectives their jobs until they reached age 65.

The budget "side item" would negate the grandfather clause and require the five men to step down, and be replaced by men under 50 years of age.

But a "Catch 22" situation would develop, Trabucco said, because under the terms of the 1974 agreement only Civil Service lieutenant detectives can be named to the jobs and that stipulation was to prevail until all those covered by the grandfather clause had retired.

Then the law was to be changed to allow the appointment of uniformed troopers to the job.

If the side item becomes law now, Trabucco said, he only has one man below the age of 50 eligible for the jobs and he could not appoint troopers because the present law does not allow it.

AFFIDAVIT OF HAROLD BROWN

I, Harold Brown, on oath depose and say as follows:

1. I am currently engaged as the Chairman of the Hamilton Realty Companies and have been involved in real estate development and rentals in the Greater Boston marketplace for forty-seven years. During the 1980's, I gained a measure of notoriety in connection with the development of a particular parcel of real estate that is known as 75 State Street.

2. I am aware that there is a lingering question, fueled by the misperception of Mr. Bulger's involvement, that investigations into the development of 75 State Street were prematurely stopped. I believe the implications of that question to be false. In May of 2002, the long-since closed chapter in my life was re-opened following the federal conviction of former FBI agent John J. Connolly, Jr. At that time, I was asked by Cosmo Macero, Jr., of the Boston Herald about the role either Mr. Bulger or Mr. Connolly played in the matter. I told him, truthfully, that neither played any role to my knowledge. Mr. Macero wrote a column based on our interview, which appeared in the Boston Herald on May 29, 2002, in which I am accurately quoted. It is attached to this affidavit as Exhibit A. I reaffirm and adopt the statements I made to Mr. Macero at that time.

3. Rather than being prematurely closed, the investigative activity concerning the development of the 75 State Street project spanned a period of many years. It was fully investigated by the FBI and then the United States Attorney via an investigative grand jury before the head of the New England Organized Crime Strike Force, Jeremiah O'Sullivan, took over as United States Attorney and conducted what was then labeled a "tertiary" or third review. When Mr. O'Sullivan publicly closed that tertiary review on March 31, 1989, he stated "no witness has even alleged that State Senator Bulger was criminally involved in this matter through his relationship with Mr. Finnerty and any inferences that he was are not supported by the weight of the evidence" and he told the press his decision "was not a close call." Mr. O'Sullivan's decision with respect to the Senate President was clearly correct. The federal investigations and media glare both grew out of a civil lawsuit between Mr. Finnerty and me and neither in that suit nor at any subsequent time have I indicated that Senator Bulger had any involvement in my project. That is because he had none. That simple fact did not stop the media snow ball.

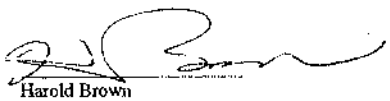


4. Following the third federal closure, Massachusetts Attorney General James Shannon and the Chief of his criminal bureau looked at the matter from a state perspective and decided there was no basis to proceed. In the 1990 campaign for Attorney General, Scott Harshbarger committed to undertaking a thorough investigation of the matter, if elected. Mr. Harshbarger defeated Mr. Shannon in the primary election and was elected in November and followed through on his promise.

5. A year after Scott Harshbarger took office, he closed his investigation of the 75 State Street Project. I attach his statement from the time of the closure as Exhibit B. He concluded there was no credible evidence to support the allegations of improper action by any individual, specifically mentioning Mr. Bulger by name, in connection with the 75 State Street development. He too said it was "not a close call."

6. Despite these five levels of federal and state review, a small group within the journalistic ranks in Boston refuse to let go of their story. I was pleased to be approached by Cosmo Macero, Jr., following Mr. Connolly's conviction to say once again there was nothing to the story and equally pleased to be asked to provide this affidavit. I am sorry the lawsuit caused others to speculate about Senator Bulger's conduct concerning me and pleased to help him dispel the myth. The truth is simple: Mr. Bulger played no role in connection with my project.

Signed under the pains and penalties of perjury this 16th day of June, 2003.



Harold Brown

Affidavit of David Davis

I David Davis on oath depose and say as follows:

1. From 1975 through 1989 (with a two or three month break in service that is irrelevant to this statement) I was the Executive Director of the Massachusetts Port Authority, the body politic and corporate created by law in 1956 which owned and operated Logan Airport at all times relevant to the matter discussed in this affidavit.

2. As a result of my official duties at the time, I am aware of an incident described in a September 1988 Boston Globe article (copy attached) describing a contact between James "Whitey" Bulger and State Trooper William Johnson at Logan Airport. I am also aware that members of the media in Massachusetts have questioned whether Mr. Bulger's brother, William M. Bulger, interceded with me or my office with respect to our handling of the incident and/or the dissemination of information about it.

3. At the time of both the 1988 article and the incident described in it, William M.Bulger was the President of the Massachusetts Senate. He and I had a professional relationship which caused us and our offices to interact on a periodic basis.

4. At no time did William M. Bulger or any person purporting to act on his behalf intercede with me to affect our handling of the incident or how we dealt with information about it. I never provided copies of reports written by Trooper Johnson to Senate President Bulger. No one at the Massachusetts Port Authority ever indicated to me they were contacted on those matters by William M. Bulger or any person purporting to act on his behalf. No form of sanction was ever imposed on Trooper Johnson concerning this incident or any other at the behest of Senate President Bulger.

5. Whenever I have been asked about what I have described as the incident, which did occur, or William M. Bulger interceding in any way in connection with it or Trooper Johnson, which did not occur, I have attempted to make clear that the former Senate President did not, to my knowledge, involve himself in the matter in any way. Nevertheless, the insinuation that he did persists among some circles. The insinuation is false.

Signed under the pains and penalties of perjury this 16th day of June, 2003.

David Davis

EXHIBIT
975

**AFFIDAVIT**

I, Carl Gustin, on oath depose and say as follows:

1. I am presently engaged as the President of Clark & Company of Boston, Massachusetts, but the events set forth in this affidavit relate to the time period during which I was employed as Senior Vice President of Boston Edison Company. While so employed, I was aware of circumstances surrounding Edison's hiring of former FBI special agent John Connolly to head our security unit and was the company official who selected him to head the government affairs unit.

2. I am aware of the rumors, repeated in the press, that former Senate President William M. Bulger got Mr. Connolly his jobs at Edison. The rumors are false.

3. When John Connolly was initially hired, the senior Edison officer most involved with the matter was John Higgins, then a Vice President for Human Resources. I discussed the hiring with him then and have also discussed it with him since. Mr. Connolly did have an influential advocate when he sought the security job, but it was John Keough, who was retiring from the position, and not William Bulger. Mr. Keough was a retired public safety official before he joined Edison and was aware of John Connolly's reputation as a successful and highly decorated agent who was well qualified for the top security position at the company. John Connolly was recommended by John Keough and selected by John Higgins.

4. When I tapped John Connolly for the government affairs position, there was no intercession from William Bulger or anyone in his office. We were downsizing and consistent with that effort, made the decision to assign from within. Mr. Connolly was an obvious choice based on his experience in federal government, his contacts in state government, his master's degree in public administration from the John F. Kennedy School of Government at Harvard University and his performance at Edison. There were no external influences on his selection

Signed under the pains and penalties of perjury this 12 day of June, 2003.

Carl Gustin

EXHIBIT
976

**AFFIDAVIT OF WILLIAM M. BULGER**

I, William M. Bulger on oath depose and say that I am the same William M. Bulger who appeared pursuant to a subpoena before the Committee on Government Reform on June 19, 2003 and testified under court ordered immunity having first invoked my Fifth Amendment privilege. This affidavit is made under that same court order; I would not voluntarily expand on my testimony and I provide the information contained in this document only because it is demanded by Committee staff. I further depose and say as follows:

1. On the first Wednesday in January, 1995, I was a candidate for election as President of the Massachusetts Senate. The election was contested. It followed a grueling primary and general election, during which Senator William Keating publicly sought to unseat my supporters and replace them with his own. Contrary to the implications in the questioning by Committee members and staff, on January 4, 1995 and the months surrounding it, my personal focus was on my own personal re-election and the direction the Senate would take. To achieve my purposes, I focused internally on the other thirty-nine members of the chamber.

2. My re-election on Wednesday January 4, 1995 did not end my need to pay particular attention to internal Senate matters. After I was re-elected, pulling together a potentially splintered body was of critical importance to the Chamber and the people of the Commonwealth, as reflected in my January 4 address to my Senate colleagues. Attachment A. Essential to that effort was appointing an effective leadership team. I



announced my appointments to leadership positions on January 12, 1995. Attachment B. Between January 4 and January 12, 1995, my full attention to these key legislative matters was required.

3. My brother James was one of a handful of individuals who were the subject of a one-count Criminal Complaint that issued on January 4, 1995, the very day I was re-elected. His co-defendant, Stephen Flemmi, was arrested the night of January 5-6. At that time, I refused to be distracted from my duties to my constituents and colleagues by the media attention those events generated. As a general proposition, I declined to discuss the subject of the charges against my brother and I stayed focused on the tasks at hand, as reflected in Attachment C.

4. When I testified on June 19, 2003, I had no memory of any contact I might have had with the FBI in the period discussed in paragraph 2, above. I indicated, however, that if FBI agents indicated they contacted me then, they were probably correct. I still have no memory of any contact with FBI agents between January 4, 1995 and January 12, 1995, but I do have reason to believe a contact was at least attempted and probably made at that time.

5. The bases for my current belief that a contact was at least attempted and probably made are information I acquired after my June 19, 2003 appearance before the Committee and my own normal course of doing business. The first source of such after-acquired information is the attached articles by Shelley Murphy of *The Boston Globe*, (Attachment D) attributing to retired FBI Agent John Gamel a visit to my office in early January 1995, during which he was told I was unavailable. According to the *Globe's* account of Gamel's story, the visit occurred a couple of days after my brother was

charged, which would be Friday, January 6th, (the day Mr. Flemmi's arrest became public), and I called Agent Gamel back on January 9, 1995, which would have been the following Monday. It would have been consistent with the practices in the office of the Senate President for Mr. Gamel to have been greeted by a receptionist and then seen by a more senior staffer, who would have informed Agent Gamel of my unavailability at that time and taken a message, card or phone number to permit follow up by me or my counsel.

6. My second source of after-acquired information concerning the Gamel contact is Attorney Robert Popeo, whom I apparently informed of Agent Gamel's visit almost immediately after it happened. Attorney Popeo is one of four attorneys who represented me over the last two decades and I believe I was in touch with all four in early 1995. The other three attorneys were William Homans, who is now deceased, Thomas Finnerty and my current counsel, Thomas Kiley. Mr. Popeo was able to confirm for me a discussion between us on January 9, 1995, dealing with Mr. Gamel's state house visit. I believe I also informed each of those gentlemen about the telephone conversation with my brother James that occurred at the home of Edward Philbin, who was serving as my driver on the evening of the call.

7. I believe and therefore aver that my disclosure to each of these four gentlemen concerning the call I received from my brother came shortly after that call and was made in a privileged, attorney-client context. The individual attorney I had in mind when I testified concerning advising my lawyer of the call was Robert Popeo, although I may be confused on the subject. Affidavits from Attorneys Popeo, Finnerty and Kiley

are attached as Attachments E, F and G, respectively. By submitting these affidavits I am not intentionally waiving the attorney-client privilege or any rights I might have.

8. Neither my staff nor I would tell Agent Gamel to "get lost," to borrow Congressman Shays' phrasing. Instead, as a matter of practice, either I or my attorney would have followed up on Agent Gamel's visit to my office. That is what occurred on January 9, according to the *Globe's* story (Attachment D). My brother became a "fugitive" after that call and the government set up a task force to locate him months after that. I do not recall being interviewed by that task force and would not characterize the contact apparently made by agent Gamel as an "interview."

Signed under the pains and penalties of perjury this 22d day of July, 2003.

William M. Bulger

**AFFIDAVIT OF R. ROBERT POPEO**

I, R. Robert Popeo, on oath depose and say that certain information contained in the article which appeared in the Boston Herald on June 20, 2003 (attached hereto) is inaccurate, as will be more fully explained herein. The cause of these inaccuracies was either a miscommunication between me and a spokesperson from my office or a miscommunication or misunderstanding between that spokesperson and the reporter for the Boston Herald.

1. At the time of that communication with the Boston Herald I did not believe I was the attorney identified by William Bulger in his testimony before the Congressional Committee as having been informed of a phone call from Whitey Bulger to William Bulger and who reported that call to the Office of the United States Attorney. I knew that I was not the attorney who reported that call to the Office of the United States Attorney.

2. Without disclosing privileged attorney-client communication I will attempt to recite my involvement with the events relating to the contact of William Bulger by F.B.I. Agent James Gamel as well as my knowledge of a phone call from Whitey Bulger to William Bulger, as I believe the two may be related.

3. During early January 1995 I was representing William Bulger on a certain matter pending before the Massachusetts Ethics Commission that had nothing to do with 75 State Street. Because of that matter and other matters about which Mr. Bulger sought my legal advice, I was in frequent contact with Mr. Bulger.



4. During that same period, I believe William Bulger was also represented by Attorneys Thomas Finnerty, Thomas Kiley and William Homans.

5. On or about January 9, 1995, William Bulger informed me of a contact he had with Agent Gamel regarding the federal criminal complaint against his brother, Whitey Bulger.

6. Sometime thereafter, I learned that Mr. Bulger had received a telephone communication from his brother Whitey who communicated that he was alright, that he would be alright and that William Bulger should not be concerned about him. I further learned that William Bulger did not know the point of origin of the call or his brother's whereabouts.

7. Because I did not discuss this call with any person from the Office of the United States Attorney and I was aware of William Bulger's representation by other attorneys, I assumed I was not the attorney identified in William Bulger's June 19, 2003 testimony with respect to this matter.

8. When a spokesperson from my office was contacted by the Boston Herald on a Friday evening, June 20, 2003, while I was absent from my office, I authorized her to inform the reporter that I was not the attorney identified by William Bulger in that testimony and that I had not represented William Bulger with respect to this matter either during his interview with the Office of the United States Attorney General or with respect to his appearance before the grand jury. I did acknowledge that I had represented William Bulger with respect to the Federal and

State investigations regarding 75 State Street and acknowledge that I had been accurately identified as having been William Bulger's attorney with respect to those investigations. Those facts got slightly garbled in the Herald article.

9. Prior to William Bulger's appearance before the Congressional Committee I had not discussed his testimony before the grand jury with him or his attorney, Thomas Kiley, and was not aware of his testimony with regard to communications with me or any other subject.

10. In addition, prior to his appearance before the Congressional Committee, I did not discuss with William Bulger or his attorney, Thomas Kiley, his testimony before the Congressional Committee and was not aware that he would give testimony regarding his communication with me.

11. The only communications between Attorney Thomas Kiley and my office regarding preparation for the testimony of William Bulger before the Congressional Committee involved making our files regarding the 75 State Street investigation available to Mr. Kiley. That effort was coordinated by a partner in my office other than me.

12. At the time the grand jury sought information from William Bulger regarding his brother Whitey Bulger, it is my understanding that he was represented by Attorney Thomas Kiley. Neither prior to, nor at the time of, his appearance before the grand jury was I informed that his testimony was being sought, that he had agreed to appear and testify before the grand

jury nor that he had done so. I first learned of his grand jury appearance when it was disclosed by the media.

Signed under the pain and penalties of perjury the 17th day of July 2003.

R. Robert Popeo

# .awyer says Billy
# ıever told him
# ıbout Whitey call

By JACK MEYERS and MAGGIE MULVIHILL

UMass President William M. Bulger's testimony that his attorney told federal authorities "immediately" about his January 1995 telephone conversation with his fugitive brother is questionable.

Last week, Bulger testified before the House Government Reform Committee that he told his lawyer about the phone call "just about immediately" and the lawyer "in turn told (federal) officials."

However, interviews with lawyers who have represented Bulger raise serious doubts about that portion of his testimony, and had Bulger partisans backtracking yesterday. Last Friday, Bulger attor-

# ln't tell me of Whitey call

:"
said Bulger was refer- his testimony to an- torney who had ear- tacted authorities. He thought the lawyer Robert Popeo.
ver, late Friday, Po- l through a spokeswo- hat he represented on matters relating the 75 State Street in- ion. Popeo said he poke to Bulger about ther Whitey, or was his client about the one call.

Kiley, on Tuesday spokesman Robert the attorney who notified authorities about Whitey's call to William Bulger. When told Popeo denied any involvement, Connolly said he would check with Bulger himself.

Connolly later called to say he assumed Popeo was the lawyer involved and referred a Herald reporter back to Kiley. Yesterday, Kiley contradicted his earlier statements.

"I don't know if I'm the lawyer who is identified there," said Kiley, referring to Bulger's answers to Rep. Christopher Shays (R-Conn.), a member of the committee holding hearings on FBI mis-

Kiley said he would not explain how Bulger's statement that he told his lawyer about the phone call "just about immediately" could be accurate when Kiley did not start representing him until roughly two years later.

"I'm not going to help you," Kiley said. "The president's testimony was all, in my view, perfectly truthful."

Keith Ausbrook, chief counsel for the House Committee for Government Reform, said committee members are reviewing a transcript of Bulger's testimony.

"If it turns out to be false, Ausbrook said. He added that the immunity order the UMass president was testifying under "doesn't protect false statements."

Asked if he had any concerns about the six-year time gap between Whitey Bulger's 1995 telephone call to his younger brother and the fact William Bulger was not officially questioned by federal authorities about his brother until 2001, Ausbrook said: "We are concerned about the way law enforcement has handled this ..."

A spokeswoman for the U.S. Attorney's Office de-

THURSDAY, JUNE 26, 2003 BOSTON HERA

3487

**AFFIDAVIT OF THOMAS E. FINNERTY**

I, Thomas Finnerty, on oath depose and say that:

1. I am a member in good standing of the Massachusetts bar. I was first admitted in 1960 and, but for four years service as District Attorney of Plymouth County, I have practiced law privately ever since. For a significant period of that time, I have been associated in the practice of law with William Bulger.

2. For a period of years in the 80's and into the 90's, I had an attorney-client relationship with William Bulger. I provided advice to him on a variety of matters, but do not believe I ever filed an appearance on his behalf. When an attorney appearance was necessary, I typically recommended a lead attorney and provided whatever support services I could to that lead attorney. I have successively recommended Attorneys Alexander J. Cella, William Homans, Robert Popeo and Thomas Kiley as the issues facing Mr. Bulger required their particular expertise. My own role as attorney-adviser remained constant, except for a brief time in 1995 when I was not practicing law.

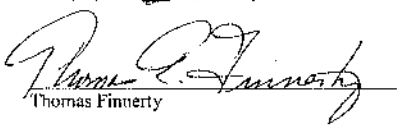
3. 1995 was a transitionary period in Mr. Bulger's representation. Mr. Cella had died. Mr. Homans' health was fading and so Mr. Popeo pulled the laboring oar while Mr. Kiley's role was increasing.

4. I do not know whether I am the attorney to whom William Bulger referred during his congressional testimony in connection with the phone call he received from his brother James, but I believe I was told virtually immediately about the call.

5. It was never my role to make disclosures to the government authorities. At different but overlapping points in time Attorneys Homans, Popeo or Kiley would have performed such a function, if in their judgment it was prudent and appropriate to do so.



Signed under the pains and penalties of perjury this 1st day of July, 2003.



Thomas Finnerty

**AFFIDAVIT OF THOMAS R. KILEY**

I, Thomas R. Kiley on oath depose and say as follows:

1. I am an attorney in good standing in the Commonwealth of Massachusetts and have practiced law continuously since my admission to the Massachusetts bar in 1973. On June 19, 2003, I testified before the House Committee on Government Reform at the invitation of Chairman Davis. My testimony concerned a so-called "outside section" of the Massachusetts FY '82 budget and was based on both personal knowledge gathered during my tenure as First Assistant Attorney General for the Commonwealth from 1977 to January, 1987 and factual research conducted this year in my role as counsel to William M. Bulger. My brief testimony came during that of my client. This affidavit supplements my testimony based on subsequent research. It also provides answers to a question subsequently put to me by the Committee's Chief Counsel.

2. During my brief testimony, I told Congressman Meehan that the particular outside section in question may not have been inserted by the Senate, as the Committee's questioning appeared to posit. I told the Committee that an article (which appeared in the Patriot Ledger) written in August 1981 indicated the budget rider was inserted while the budget was in the Massachusetts House of Representatives in June of 1981. I have since researched the matter and concluded the Patriot Ledger article, not the innuendo-laced articles on which some Committee members based their questions, is accurate.

3. The FY '82 budget cycle was a difficult one in Massachusetts, as state political leaders tried for the first time to deal with the effects of a voter-backed initiative known as "Proposition 2½" that limited local taxes and thus had the practical effect of increasing the need for local aid in the state budget. House 1 (1981), as always, was the Governor's proposed



operating budget for the following fiscal year. It was referred to the House in accordance with Amendment Article 63 of the Massachusetts Constitution and in turn referred to the House Ways and Means Committee. That Committee's initial work product, House 6800 (1981), was released in the spring but roundly criticized by the minority party. William Robinson, the Minority Leader, submitted his own "Better Budget" which contained many ideas attractive to the House members on both sides of the aisle. As a consequence, the House Ways and Means Committee proposal was recommitted to the House Ways and Means Committee. What emerged on June 4, 1981 was House 6969 (1981), an amalgam of the House Committee's earlier work and Representative Robinson's "Better Budget".

4. When introduced to the House of Representatives, House 6969 contained numerous outside sections. As printed following extended debate on Friday, June 5 that extended into Saturday, June 6, House 6969 contained what was numbered section 99 and provided in full:

> Section 99. Section 6 of Chapter 639 of the Acts of 1974, as amended by Section 3 of Chapter 389 of the Acts of 1976, is hereby amended by inserting at the end thereof the following: --; 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.

This is the outside section which Senate President Bulger's critics contend he inserted in the Senate Budget to send a warning shot across the bow of state investigators who had surveilled his brother. In fact, however, it originated in the House, thus undercutting the after-the-fact concoctions of those critics of the former Senate President. 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. I attach as Exhibit 1 to this affidavit a copy of the pages of House 6969 setting forth section 99.

5. Section 99 had an unremarkable journey through the Senate. It was adopted virtually verbatim by the Senate Ways and Means Committee, (see Senate 2222, sec. 108 (1981)), was part of the Budget adopted by the Senate on June 20 (Senate Journal, p. 880 (1981)), and, since there was concurrence on the substance of item, not a contentious subject for the conference committee.

6. Only after the conference committee report [House 7100] was enacted on July 15 by the House and the Senate did Section 99 become controversial. 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. See House 7101 (1981). Exhibit 2 to this affidavit contains the relevant portion of that veto message. 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 those sections originated, to ask the Supreme Judicial Court of Massachusetts whether the Governor had the constitutional power to disapprove such items. Opinion of the Justices, 384 Mass. 820, 820 (1981). The Senate (unlike the Governor, the Attorney General and the House) stayed out of that fray, filing no brief on the question, Id. at 821, n. 1. 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. There the story ends, or so it ought to.

7. Following the hearing on June 19, 2003, Committee Counsel Ausbrook asked me if I was authorized to identify the lawyer about whom Mr. Bulger was speaking during his colloquy with Congressman Shays as reflected beginning at page 118 of the transcript of that day's proceedings. I did not do so (in part) because, as Mr. Ausbrook's use of the word "authorized" implies, the answer implicates the attorney-client privilege. I also believed the

question to be a product of a Herald story that I think manufactured an issue where none exists in order to cloud the issues that were before the Trustees of the University of Massachusetts the day the story appeared. The Herald story is attached as Exhibit 3. I spoke with reporter Maggie Mulvihill on June 20, 2003 as did a spokesperson for R. Robert Popeo. Despite extensive daily coverage between the 20th and the date of the special meeting of the University of Massachusetts Board of Trustees, the Herald published nothing about what we had to say until the morning of the special meeting. Then the "story" was front page news. In my opinion, instead of reporting a news story, the Herald was trying to manufacture a story to pressure the Trustees to take the action for which the Herald – and Governor Romney – were advocating. That effort to influence rather than report events is what I had in mind when I was re-contacted on the evening of the 25th by Jack Meyers, and I told him I "would not help" them in their effort. With that background, I then believed the question posed by Counsel to be immaterial to the Committee's legitimate inquiries and not likely to lead to relevant information. On reflection, I believe the answer could theoretically lead to relevant contacts made by the attorney with federal authorities. Accordingly, without revealing attorney-client privileged information, I state as follows:

> I cannot state with certainty when I began representing William Bulger in connection with his brother's flight. Contrary to the memory I had last month and conveyed in a casual statement to Herald reporter Mulvihill the day after Mr. Bulger appeared before the Committee, I was providing legal advice to William Bulger on matters related to his brother James as far back as 1995. At all times during my representation I was aware of the phone call received by my client at the home of Edward Phillips. I did inform one or more Assistant United States Attorneys with responsibility for the matter of the existence of the call, but do not recall making any disclosure to FBI agents. I made the disclosures to the AUSA(s) in connection with Mr. Bulger's grand jury appearance when it was appropriate to do so.

8. Because of the interest expressed by a member of the Committee, and to try to shed some light on the comments attributed to former FBI Agent Garnel concerning his attempts

to contact my client in January 1995, I have also examined the dockets of criminal cases brought in this district against James Bulger. They reveal that James Bulger was not a fugitive at the time of the Gamel contacts that William Bulger now has reason to believe occurred. On January 4, 1995, a one-count conspiracy complaint issued against Francis P. Salemme, Sr., Francis P. Salemme, Jr., George J. Kaufman, James T. Bulger and Stephen J. Flemmi. It charged them with conspiracy to extort money from a bookie named Burton L. Krantz and warrants were issued for their arrests. Docket Entry #1 in USA v. Salemme, et al., (1:95:MJ-00001-LPC). The complaint and arrest warrants were sealed. Docket Entry #2. Stephen Flemmi was arrested on the night of January 5, 1995, Docket Entry #3. On the following Monday, January 9, the case was terminated at the magistrate level as to all defendants. Docket Entry #9.

On January 10, 1995, a superceding indictment was issued against James T. Bulger in case number CR 94-10287 MLW. In his subsequent decision on Mr. Flemmi's motion to dismiss that indictment, Judge Mark Wolf wrote "After Bulger's indictment on January 10, 1995, the FBI opened a fugitive investigation of him." (Excerpt attached as Exhibit 4). From these entries and the statements attributed to Agent Gamel in The Boston Globe, it is reasonable to infer that Agent Gamel's visit to the Senate President's office occurred on Friday, January 6, 1995 (a few days after the complaint issued and when news of Flemmi's arrest first leaked) and that the Agent's purpose had to be executing the arrest warrant and seeking James Bulger's appearance on the Criminal Complaint. 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 indictment had not yet been returned or the fugitive investigation begun.

9. Portions of Judge Wolf's memorandum are attached as Exhibit 4 to this Affidavit for another reason as well; it is that document to which Mr. Bulger repeatedly alluded during his June 19 testimony concerning the effort of FBI Agent John Morris to cause the murder of James Bulger because James had "outlived his usefulness" and become a threat to Morris because of his knowledge of criminal acts committed by FBI Agent Morris. It is not the first time Judge Wolf linked informant status with death in the case spawned by the superceding indictment discussed above; in his June 19, 1997 memorandum reported at U.S. v. Salemme, 978 F. Supp. 379, Judge Wolf pointedly spoke of the danger disclosure of informant status posed, citing to the murder of Robert Donati because he was believed to be an informant. 978 F., Supp. At 383, n. 3. The Salemme opinion is Exhibit 5 to this Affidavit.

Signed under the pains and penalties of perjury this 16 day of July, 2003.

Thomas R. Kiley




tence the following sentence: — The fee for such a certificate shall be set by the board of aldermen or the selectmen.

SECTION 96. Section 6 of chapter 163 of the General Laws, as so appearing, is hereby amended by inserting after the first sentence the following sentence: — The fee for such a permit shall be set by the authorities having jurisdiction over such public ways.

SECTION 97. Section 34 of chapter 262 of the General Laws is hereby further amended by striking out clause (64), as appearing section 1 of chapter 550 of the acts of 1948, and inserting in place thereof the following clause: — (64) Unless otherwise established in a town by town meeting action and in a city by city council action; and in a town with no town meeting by town council action, by adoption of appropriate bylaws and ordinances to set such fees, the fee for filing by a person engaged in buying, selling or dealing in milk or cream in cans or who uses cans, tubs or cabinets in the sale or storage of frozen deserts and/or ice cream mix with his name and the word "registered" produced thereon, a description of the name so used by him, shall be one dollar, but in no event shall any such fee be greater than five dollars.

SECTION 98. The fourth paragraph of section 7A of chapter 271 of the General Laws is hereby amended by striking out the seventh sentence, as appearing in chapter 810 of the acts of 1969, and inserting in place thereof the following sentence: — Unless otherwise established in a town by town meeting action and in a city by city council action; and in a town with no town meeting by town council action, by adoption of appropriate bylaws and ordinances to set such fees, a fee of ten dollars shall accompany each such application and shall be retained by the city or town, but in no event shall any such fee be greater than fifty dollars.

SECTION 99. Section 6 of Chapter 639 of the Acts of 1974, as amended by Section 3 of Chapter 389 of the Acts of 1976, is hereby amended by inserting at the end thereof the following: — ; 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.

SECTION 100. Paragraph (a) of section 2 of chapter 200A of the General Laws is hereby further amended by striking out the word "seven", inserted by section 5 of chapter 130 of the acts of 1980, and inserting in place thereof the following word: — five.

SECTION 101. Paragraph (b) of said section 2 of said chapter 200A is hereby amended by striking out the word "seven", inserted by section 3 of said chapter 130, and inserting in place thereof, in each instance, the word: — five.

SECTION 102. Section 3 of said chapter 200A is hereby amended by striking out the word "seven", inserted by section 7 of said chapter 130, and inserting in place thereof the word: — five.

SECTION 103. Section 4 of said chapter 200A, as appearing in section 8 of said chapter 130, is hereby amended by striking out, in line 6, the word "seven" and inserting in place thereof the word: — five.

SECTION 104. Section 5 of said chapter 200A, as so appearing, is hereby amended by striking out, in line 10, the word "seven" and inserting in place thereof the word: — five.

SECTION 105. Section 5A of said chapter 200A, as so appearing, is hereby amended by striking out, in lines 5 and 25, the word "seven" and inserting in place thereof, in each instance, the word: — five.

SECTION 106. Section 5B of said chapter 200A, as so appearing, is hereby amended by striking out, in lines 9, 15 and 20, the word "seven" and inserting in place thereof the word: — five.

SECTION 107. Section 5C of said chapter 200A, as so appearing, is hereby amended by striking out, in line 3, the word "seven" and inserting in place thereof the word: — five.




In rejecting these sections we do not reject the need to structure and further streamline state operations. In my budget message in January I said that we were working on just such a program.

To carry forward the substantial progress we have made in reorganization plan involving Human Services, Public Safety and Manpower Affairs, and to more systematically consider ways to make the rejected paper reorganization of Communities and Development, Consumer Affairs and Manpower Affairs a cost saving reality, I will announce in the near future the formation of a task force that will present a reorganization plan that can be filed under Article 87 of the Amendments of the Constitution. My charge to them will be to report on or before February 1, 1982 with a plan to make agency operations more efficient and less costly; to redefine the traditional parameters of state government to more accurately reflect the new era of the 1980's.

In addition to these efforts to consolidate and streamline the structure of state agencies, it is imperative that we give our public administrators the flexibility they need to efficiently manage their operations. We were greatly encouraged by the serious consideration given towards ending the practice by which the legislature schedules personnel positions. We look for a continuing review of this procedure so that, in a less strained moment, a significant reform might be possible.

With respect to our state managers, there are two legislative proposals, unrelated to the budget process, yet critical to our ability to do more with less: civil service reform and the management pay plan.

Our civil service laws no longer reflect the public employer-employee relationship. Over 64,000 employees are covered by the Commonwealth's collective bargaining contracts -- agreements which detail the rights and responsibilities of the parties. Archaic laws which impede a modern personnel system must be revised.

Of equal importance is the management pay plan. We have made substantial cuts in state spending in order to provide $265 million in new local aid to the cities and towns. Yet there are local health officials who make more than our Commissioner of Public Health, local school superintendents whose salary exceeds our Commissioner of Education, local police chiefs paid more than the head of our State Police. We in no way begrudge the cities and towns their need for increased local aid dollars, but it is imperative that the state be able to attract and retain capable managers. Without them, the efficiencies we need, indeed, the efficiencies we demand, will not be possible. Your Honorable Bodies must enact these legislative proposals at the earliest opportunity.

In the matter of management flexibility there are a number of items that restrict and mandate state managers and operations.

I am disapproving section 99 which would destroy the effectiveness of our state police intelligence gathering

management team. This section will require five experienced, sophisticated law enforcement professionals to resign their positions because it lowers the retirement age for their jobs to age 50. We cannot accept this loss of continuity in investigative services nor can we lose the individuals who have been called upon in every complex case, including most homicides, throughout the state.

I am disapproving section 30, which would prohibit the intersubsidiary transfer of funds between the "01, Salaries, Permanent Positions" and "08, Heat and Other Plant Operations" accounts without the prior written approval of the Commissioner of Administration and the House and Senate Committees on Ways and Means. To achieve the economies called for in this budget we must give our managers the greatest possible flexibility in allocating expenditures within their overall appropriation level.

I am disapproving section 274 which would severely restrict inter-basin water transfers. It is critical that our water resource managers have the maximum flexibility to respond to conditions of scarcity. By requiring full legislative action for such transfers we would set in place a process that could seriously delay and impede critical relief for the citizens of the Commonwealth.

I am disapproving section 276 which prohibits certain advertising and educational campaigns for the development of solid and hazardous waste facilities. The safe and legal disposal of such material is a top priority of this administration. One major obstacle to the facility siting is public fear of the unknown. We can accept no limitation on our ability to provide the information upon which rational decisions can and will be made.

I am disapproving section 196 which would prohibit the Treasurer from issuing commercial paper without the approval of the Commissioner of Administration and Finance, and the House and Senate Ways and Means Committees. We believe that the Treasurer should be given the maximum flexibility to manage and invest the Commonwealth's funds. Tedious approvals may make it impossible for his office to take advantage of short term market fluctuations.

I am also disapproving section 197, which purports to establish a debt limit for the Commonwealth's bond obligations. We are very concerned with the impact such a restriction might have on our Highway and Bridge maintenance and rehabilitation programs. We have a commitment to the continued improvement of the Massachusetts Bay Transportation Authority and the half million people it serves. This section could preclude the receipt by the MBTA of over a half billion dollars in federal funds for the completion of the Red and Orange Lines, the acquisition and rehabilitation of vehicles, the renomination of a number of stations that will economically revitalize their respective neighborhoods. MBTA bond counsel advises that for the Authority to enter into contracts for the future they must demonstrate the ability to borrow for that purpose. This restriction would cast doubt on that ability. There is also some question as to the legality of one General Court attempting to bind the next one on what action it may take.

The Boston Herald

June 26, 2003

# Lawyer says Billy never told him about Whitey call

By JACK MEYERS and MAGGIE MULVIHILL

UMass President William M. Bulger's testimony that his attorney told federal authorities "immediately" about his January 1995 telephone conversation with his fugitive brother is questionable.

Last week, Bulger testified before the House Government Reform Committee that he told his lawyer about the phone call "just about immediately" and the lawyer "in turn told (federal) officials."

However, interviews with lawyers who have represented Bulger raise serious doubts about that portion of his testimony, and had Bulger partisans backtracking yesterday. Last Friday, Bulger attor-

EXHIBIT 3

ALL-STATE LEGAL

3500

# Lawyer: Billy didn't tell me of Whitey call



R. ROBERT POPEO: Says William Bulger never told him about the call from Whitey.

From Page 1

ney Thomas R. Kiley said he contacted the U.S. Attorney's Office about the January 1995 phone call from James J. "Whitey" Bulger — but only after he began representing the University of Massachusetts president much later.

"I have indeed communicated the fact of the (telephone call) to people in the U.S. Attorney's Office, but I was not Bill's lawyer at the time," Kiley said. "Once I represented Bill, it was either in 1997 or at some point in 1998, I dealt with the (assistant U.S. attorneys) that were handling that case."

Kiley said Bulger was referring in his testimony to another attorney who had earlier contacted authorities. He said he thought the lawyer was R. Robert Popeo.

However, late Friday, Popeo said through a spokeswoman that he represented Bulger on matters relating only to the 75 State Street investigation. Popeo said he never spoke to Bulger about his brother Whitey, or was told by his client about the 1995 phone call.

Like Kiley, on Tuesday Bulger spokesman Robert Connolly identified Popeo as the attorney who notified authorities about Whitey's call to William Bulger. When told Popeo denied any involvement, Connolly said he would check with Bulger himself.

Connolly later called to say he assumed Popeo was the lawyer involved and referred a Herald reporter back to Kiley. Yesterday, Kiley contradicted his earlier statements.

"I don't know if I'm the lawyer who is identified there," said Kiley, referring to Bulger's answers to Rep. Christopher Shays (R-Conn.), a member of the committee holding hearings on FBI misconduct and corruption.

Kiley said he would not explain how Bulger's statement that he told his lawyer about the phone call "just about immediately" could be accurate when Kiley did not start representing him until roughly two years later.

"I'm not going to help you," Kiley said. "The president's testimony was all, in my view, perfectly truthful."

Keith Ausbrook, chief counsel for the House Committee for Government Reform, said committee members are reviewing a transcript of Bulger's testimony.

"If it turns out to be false, we would be concerned," Ausbrook said. He added that the immunity order the UMass president was testifying under "doesn't protect false statements."

Asked if he had any concerns about the six-year time gap between Whitey Bulger's 1995 telephone call to his younger brother and the fact William Bulger was not officially questioned by federal authorities about his brother until 2001, Ausbrook said "We are concerned about the way law enforcement has handled this ..."

A spokeswoman for the U.S. Attorney's Office declined comment yesterday.

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leaving the courtroom he saw Quinn. Flemmi Aug. 20, 1998 Tr. at 155, Aug. 21, 1998 Tr. at 50-51. Flemmi knew that Quinn was aware of his valuable service as an informant concerning the LCN. Flemmi Aug. 20, 1998 Tr. at 156-57. Flemmi thought that Quinn would at least do something to facilitate his release on bail. Id. Thus, Flemmi said to Quinn, "How about a break on bail." Flemmi Aug. 20, 1998 Tr. at 155, Aug. 21, 1998 Tr. at 50-51. However, Assistant United States Attorney Kelly, who was with Quinn, told Flemmi that Quinn could not speak to him because Flemmi's attorney would object. Flemmi Aug. 29, 1998 Tr. at 156-57.

After Bulger's indictment on January 10, 1995, the FBI opened a fugitive investigation of him. Charles Gianturco was put in charge of it. Steffens Aug. 10, 1998 Tr. at 24; Walther Oct. 1, 1998 Tr. at 166. He is the brother of Nick Gianturco, who, as described earlier, understood that Bulger had helped save his life when Gianturco was an undercover agent in Operation Lobster, and had subsequently dined and exchanged gifts with Bulger and Flemmi.

On about January 23, 1995, Bulger returned to the Boston area briefly to drop off Stanley. Stanley Sept. 18, 1998 Tr. at 40-41, 47, 84, 85. It was widely known that Stanley had been traveling with Bulger and was back in Boston. Id. at 63. Yet the FBI did not contact her until April 1996, about fifteen months after she had returned. Id. at 42-43, 53; Walther Sept. 10, 1998 Tr. at 166-67.

When approached, Stanley was cooperative. Among other things, she told FBI agents Charles Gianturco and Walther that during their trip prior to his indictment Bulger had driven a Grand Marquis, used the alias "Tom Baxter," and stayed with the Matos family in Selden, New York, with whom she and Bulger had stayed before. Stanley Sept. 19, 1998 Tr. at 11-13. Stanley had not, however, heard from Bulger since he returned her to the Boston area. Id. at 48-54. Thus, by the time that she was interviewed by the FBI, the information that Stanley could provide was dated and of diminished value. Nevertheless, the FBI paid Stanley $1000 in November 1996. Walther Sept. 10, 1998 Tr. at 169.

In late June 1995, Assistant United States Attorney Stephen Heymann asked to review Bulger and Flemmi's FBI informant files. Ex. 269. He did so on July 3, 1995. Id. As a result, the United States Attorney's Office evidently decided that it was essential that the prosecutors presenting the case be informed that Bulger and Flemmi had been FBI informants. This was done at some time prior to August 23, 1995. See Aug. 23, 1995 Government's Ex Parte, In Camera Motion for Protective Order.

On August 1, 1995, the government obtained a Second Superceding Indictment that added John Martorano as a defendant. As described previously, John Martorano had, in 1979, become a fugitive from RICO charges in the race-fix case against Winter, himself, and others, which was, in effect, alleged to be a racketeering act of a RICO enterprise known as the Winter Hill Gang. See Winter, 663 F.2d at 1127-28. After he was apprehended, John Martorano's case was assigned to District Judge Reginald Lindsay. On July 24, 1995, over the government's objection, Judge Lindsay dismissed the case against John Martorano, without prejudice, because a violation of the Speedy Trial Act, 18 U.S.C. §§ 3161. Rather than attempting to reinstate the dismissed charges, the government brought new charges against Martorano in this case. Thus, this court became responsible for presiding in the case against John Martorano.

On August 23, 1995, Assistant United States Attorney Herbert filed, under seal, with Magistrate Judge Lawrence Cohen, the Government's Ex Parte, In Camera Motion for a Protective Order concerning documents to be produced in discovery to Flemmi and his counsel. Herbert stated that Flemmi had made "potentially relevant" statements to the FBI "in the context of a confidential relationship over the course of many years." Id. at 1. Herbert explained that trial counsel had not read or been informed of the statements in order to avoid any arguable claim that the statements had been used improperly in investigating Flemmi. Id. at 2 n.1. The government noted that Flemmi had not requested his statements and, therefore, the government had no obligation to produce them pursuant to Fed. R. Crim. P. 16(a)(1)(A) or Rule 116.1 of the Local Rules of the United States District Court for the District of Massachusetts. Id. at 3. The government requested confirmation of this view. Id.

The government also represented that it recognized that it had an independent and continuing obligation to produce exculpatory information pursuant to Brady v. Maryland, 373 U.S. 83 (1963), and its progeny. Id. at 4 n.3. Thus, the government expressed the intention to have the documents reviewed by a senior official of the Department of Justice "to determine whether they contain any information that must be disclosed to the defendant Flemmi or any of his codefendants on constitutional grounds." Id.



around the Boston Police is that a cop by the name of Cox is wired up on other cops." Ex. 229. Flemmi did not, however, provide this information to Connolly. Flemmi Aug. 20, 1998 Tr. at 71-72, Aug. 28, 1998 Tr. at 105-09. Rather, the court concludes that this insert is another document containing false information in an effort to make it more difficult to discern and demonstrate improper conduct by Connolly.

Soon after the encounter between Cox and Flemmi, Jordan, Moody, and their investigation were transferred to the White Collar Crime squad in an effort to distribute the "good investigations" more equally. Ring June 15, 1998 Tr. at 12, June 19, 1998 Tr. at 157-58, Sept. 18, 1998 Tr. at 132; Morris Apr. 23, 1998 Tr. at 62, Apr. 29, 1998 Tr. at 73-74. Morris was then the supervisor of the White Collar Crime squad. Morris Apr. 22, 1998 Tr. at 97-101.

As the investigation evolved, it came to focus on John Bahorian, a bookmaker believed to be making payments to Flemmi. Morris Apr. 22, 1998 Tr. at 101, Apr. 29, 1998 Tr. at 69-70. In the spring of 1988, Moody and Jordan were preparing an application for electronic surveillance of Bahorian, which targeted Flemmi as well. Morris Apr. 22, 1998 Tr. at 101-02.

Morris was afraid that the electronic surveillance would lead to Flemmi's arrest and indictment. Morris Apr. 29, 1998 Tr. at 68, 70. Morris was concerned that if that occurred, the nature of his relationship with Bulger and Flemmi would be revealed. Id. Thus, Morris asked Connolly to tell Flemmi and Bulger to stay away from Bahorian. Id. at 67, Apr. 22, 1998 Tr. at 120-21. Morris also asked Connolly to tell Bulger and Flemmi not to do anything to Bahorian because Morris "did not want another Halloran." Morris Apr. 22, 1998 Tr. at 121-22. Morris believed that Bulger and Flemmi had been involved in the Halloran murder. Id. His directions to Connolly in 1988 were both a reminder and performance of his 1985 promise that Bulger and Flemmi would be protected as long as they did not murder anyone. Id.

Connolly delivered Morris' message to Bulger and Flemmi. Id. He later reported to Morris that they wanted to meet with him to discuss the Bahorian matter. Id. at 103, 121.

Thus, in the spring of 1988, prior to the inception of the electronic surveillance of Bahorian, Bulger, Flemmi, and Connolly met with Morris at his home. Id. at 103, 105, 109, 121; Flemmi Aug. 20, 1998 Tr. at 76, Aug. 28, 1998 Tr. at 115. Morris told Bulger and Flemmi about the planned electronic surveillance and warned them to stay away from Bahorian. Id. at 103-04. Morris also said that he could keep Flemmi out of any indictment arising out of the Bahorian electronic surveillance. Flemmi Aug. 20, 1998 Tr. at 78.

As in the past, neither Bulger nor Flemmi claimed that he had immunity and could not properly be investigated or prosecuted. Nor did Morris believe that they were immune from prosecution. Rather, Morris felt that by warning Bulger and Flemmi he was engaging in an illegal obstruction of justice. Id. at 104, Apr. 30, 1998 Tr. at 102.

Bahorian's telephone was wiretapped from June 22 to September 25, 1988. Apr. 29, 1998 Tr. at 113. Flemmi was named as a target in the application for that electronic surveillance. Morris Apr. 22, 1998 Tr. at 102. The wiretap produced evidence that led to the indictment of Bahorian and others. Id. at 101-02, 109. Because he was warned, however, Flemmi was neither intercepted nor charged. Id.

27. The Leak and the Threat to The Boston Globe

After telling Flemmi and Bulger about the imminent Bahorian wiretap, Morris was "very upset." Morris Apr. 29, 1998 Tr. at 123. He felt "completely compromised" and vulnerable. Id. at 67. As described earlier, Morris was afraid that if Flemmi or Bulger were prosecuted, the nature of his relationship with them would be revealed. Id. at 68, 70. Morris decided that he was "going to do whatever [he] could to stop Bulger and Flemmi short of admitting [his] crimes." Id. at 125.

Morris had previously told Ring that Bulger had "outlived [his] usefulness," but he had not been closed as an informant. Morris Apr. 29, 1999 Tr. at 66, Apr. 30, 1999 Tr. at 91. Now Morris wanted to "destroy the relationship between the FBI and [Bulger and Flemmi]" himself. Morris Apr. 29, 1998 Tr. at 124. Thus, Morris took an extraordinary step calculated to terminate the threat that Bulger and Flemmi presented to him in a manner that minimized the risk that his role in doing so would be exposed. In essence, he attempted to provoke "another

Halloran."

More specifically, in about June 1988, Morris spoke to Gerard O'Neill, a reporter for The Boston Globe's investigative unit, the "Spotlight Team." Ex. 85; Morris Apr. 28, 1998 Tr. at 74-76. Morris understood that as a responsible journalist, O'Neill would protect the confidentiality of Morris as his source. Morris told O'Neill that Bulger was an FBI informant. Morris Apr. 27, 1998 Tr. at 154-57, Apr. 28, 1998 Tr. at 33, 74-75, Apr. 29, 1998 Tr. at 74-75, 80-81. Morris also indicated that Flemmi was an FBI informant. Morris Apr. 28, 1998 Tr. at 74-75. Morris did not say that the conversation was "off the record" and understood that The Boston Globe would likely publish at least that Bulger was an FBI informant. Morris Apr. 29, 1998 Tr. at 78, 80-81.

Morris was well aware that an article reporting that Bulger was an informant could cause him to be killed by the LCN, among others. Morris Apr. 28, 1998 Tr. at 77-78. More specifically, as Morris later put in an affidavit in which he falsely swore under oath that he had not deliberately told O'Neill that Bulger was an informant:

[T]he consequences of individuals being identified as informants, regardless of the accuracy of the information, could be serious. . . . a human life [is] a human life, be that person criminal, informant, or both. . . . the criminal element would not need proof or documentation to take action, so, such statements as inferences could be deadly.

Ex. 85; Morris Apr. 28, 1998 Tr. at 76-77. Apr. 30, 1998 Tr. at 93.

Morris also knew that public disclosure that Bulger was an informant could be fatal to Flemmi. As Morris testified concerning the possible closure by the FBI of Bulger as an informant, it "would have been the end of Flemmi too . . . [b]ecause they were so closely tied together." Morris Apr. 28, 1998 Tr. at 79.

Morris' call prompted The Boston Globe Spotlight Team to plan to write a series of articles that would address, among other things, the events and information indicating that Bulger was a source for the FBI, who was being protected from investigation and prosecution. Among the matters of interest to the Spotlight Team were the race-fix case in which Bulger was not indicted, the Lancaster Street Garage investigation, and the 1984-85 investigation led by the DEA. As part of its research, a member of the Spotlight Team, Richard Lehr, directed a letter to Ciulla, the "star witness" in the race-fix case, who was then being protected by the government. Cullen Oct. 15, 1998 Tr. at 38, 47.

On July 19, 1988, Daly, who was the lead FBI agent on the race-fix case, called Kevin Cullen, another member of the Spotlight Team. Id. at 131. Daly and Cullen had talked several times before, but were not friends. Id. at 44-45. Daly indicated that he knew about the letter to Ciulla and expressed regret that Cullen had not called him first. Id. at 47.

Cullen told Daly that the Spotlight Team was preparing an article that would report that Bulger was an FBI source and, as a result, had been protected by the FBI in the race-fix case, among others. Id. at 133-55, 159. Daly denied that Bulger was an informant. Id. at 104-07, 133-35. He also denied that Bulger was protected from prosecution in the race-fix case because he was an FBI source. Id. at 50-51. As described previously, both of these assertions were false.

Daly proceeded to tell Cullen that as Ciulla had purportedly told Daly, Bulger was a very dangerous man who would think nothing of "clipping" anyone who wrote the sort of story Cullen described. Id. at 48, 50, 160; Ex. 242. Daly emphasized that, in his opinion, Cullen was especially vulnerable because it was well-known that he lived in South Boston. Cullen Oct. 15, 1998 Tr. at 50, 164.

Cullen believed that Bulger was a violent person and, indeed, a killer. Id. at 65-67. Cullen also believed that Daly's comments constituted a threat intended to discourage The Boston Globe from publishing the story it was planning. Id. at 52, 74, 75, 138-39, 146-47; Ex. 242. Cullen was correct. Daly made no written record of his call to Cullen, as he would have if it had been intended as an official warning by the FBI to a potential victim of violence. Cullen Oct. 15, 1998 Tr. at 178.[66]

The SAC, Ahearn, subsequently spoke on the record to the Spotlight Team, which reported that:

James F. Ahearn, special agent in charge of the FBI in Boston, was unequivocal when asked last month if Bulger had

relations with the FBI that have left him free of its scrutiny.

"That is absolutely untrue," said Ahearn. "We have not developed anything of an evidentiary nature that would warrant it and, if we ever do develop anything of an evidentiary nature, we will pursue it. We specifically deny that there has been any special treatment of this individual."

Ex. 243. Whether he knew it or not, Ahearn's statement was utterly incorrect.

In any event, Cullen discussed Daly's call with his colleagues. Cullen Oct. 15, 1998 Tr. at 52-53, 119. They too interpreted Daly's comments as a threat intended to intimidate them from publishing the series of articles that they were planning. Id.; Morris Apr. 30, 1998 Tr. at 178. Nevertheless, the reporters and The Boston Globe were undeterred.

The Boston Globe did, however, take the threat to Cullen seriously. Prior to publication of the article concerning Bulger, the newspaper paid to have Cullen and his wife relocated. Id. at 57-58, 123. Although still uneasy, after about a week Cullen returned to his home in South Boston. Id. at 123.

On September 20, 1988, The Boston Globe published its article on Whitey Bulger. Id. at 131; Ex. 243. The article reported that the FBI had "for years had a special relationship with Bulger" and reviewed the events suggesting that the FBI was protecting him, including the race-fix case, the Lancaster Street Garage investigation, and the investigation led by the DEA in 1984-85. Id.

At Ahearn's request, the FBI conducted an administrative inquiry focusing primarily on whether Morris had leaked the fact that Bulger was an informant and other confidential information to The Boston Globe.(**) Ex. 134. Morris repeatedly lied under oath during the course of that investigation by suggesting that he may have, at most, perhaps inadvertently confirmed that Bulger was a source. Morris Apr. 28, 1998 Tr. at 64-73, Apr. 30, 1998 Tr. at 93; Exs. 84, 85. Morris refused to take a polygraph test. Ex. 84. His deception succeeded. Morris emerged from the investigation with a censure and fourteen days of unpaid leave. Morris Apr. 28, 1998 Tr. at 72. These sanctions did not prevent Morris from progressing through the hierarchy of the FBI until 1995, when he became Chief of the Training and Administrative Section at the FBI Academy in Quantico, Virginia.

28. Flemmi and Salemme

The Boston Globe article was upsetting to Bulger and Flemmi, who felt betrayed and endangered. Flemmi Aug. 21, 1998 Tr. at 96-99; Ex. 159. On or about October 6, 1988, several weeks after the article was published, they met with Connolly and Morris, who was still the alternate agent for handling Flemmi. Ex. 42; Flemmi Aug. 20, 1998 Tr. at 78, Aug. 28, 1998 Tr. at 115-19. This was the last meeting or discussion that Flemmi had with Morris. Flemmi Aug. 21, 1998 Tr. at 86, 103, Aug. 28, 1998 Tr. at 115-16.

Connolly told Bulger and Flemmi that because of the articles, others in the FBI wanted to distance themselves from them. Flemmi Aug. 21, 1998 Tr. at 78-79, Aug. 28, 1998 Tr. at 116-18. Flemmi sensed that Connolly might be under some pressure to terminate their relationship. Flemmi Aug. 28, 1998 Tr. at 118. Connolly, however, disagreed and urged Bulger and Flemmi to "hang in." Flemmi Aug. 20, 1998 Tr. at 97, Aug. 28, 1998 Tr. at 116-18.

Among other things, Connolly said he was very concerned about Salemme, who had completed his sentence for the Fitzgerald bombing and been released from prison in the past year. Flemmi Aug. 20, 1998 Tr. at 97; Ex. 237 (209 dated 1/24/98). Salemme had reestablished contact with Flemmi. Ex. 237 (209 dated 1/24/98). Connolly had asked Flemmi to report to him on Salemme's activity and Flemmi had been doing so. Flemmi Aug. 20, 1998 Tr. at 98; Ex. 237 (209s dated 1/24/88 and 7/15/88). Ultimately, after Bulger had spoken again to Connolly, he and Flemmi agreed to follow Connolly's advice and continue their alliance. Flemmi Aug. 21, 1998 Tr. at 102-03, Aug. 28, 1998 Tr. at 116-18.

who was working for World Jai Lai when Wheeler was murdered, and Morris had finished testifying. The FBI agent who had discovered the documents, however, had previously given the documents to the FBI's Special Agent in Charge ("SAC") in Boston, Barry Mawn, and the Assistant Special Agent in Charge ("ASAC"), Mike Wolf, because the information that they contained "was obviously highly singular and sensitive." §§ II.13. Similarly, there was delayed disclosure of documents relating to John McIntyre which impeded defendants' ability to question relevant witnesses. §§§§ II.14, II.22, II.23.

4. About a month after Halloran's murder, Morris solicited and received through Connolly $1000 from Bulger and Flemmi. Morris used the money to buy an airplane ticket for his secretary, with whom he was romantically involved, so she could visit him in Georgia, where Morris was receiving advanced training. §§ II.13.

5. By the time Morris told Flemmi and Bulger of the Bahorian investigation he had taken an additional $6000 from Bulger and Flemmi and felt "completely compromised" and vulnerable. §§§§ II.17, II.18, II.27. Morris feared that if Flemmi or Bulger were prosecuted, the nature of his relationship with them would be revealed. Therefore, Morris decided to try to eliminate Bulger and Flemmi as a threat to him. §§ II.27.

To accomplish this, Morris told Gerard O'Neill, a reporter for The Boston Globe, that Bulger was an FBI informant. Morris expected that the newspaper would publish this fact, while protecting Morris as its source. Morris also calculated that such a story would prompt the LCN to murder Bulger and probably prove fatal to Flemmi as well. Id.

When the FBI learned of the proposed article, Daly, who had been the lead agent in the race-fix case, called Kevin Cullen, a reporter working with O'Neill. Daly falsely denied that Bulger was an informant and that he had been protected in the race-fix case because he was an FBI source. Daly attempted to intimidate Cullen and his colleagues from reporting that Bulger was an informant by indicating that Bulger was a very dangerous person, who would not hesitate to kill anyone who wrote such a story. Daly noted that Cullen would be at particular risk because it was well known that he, like Bulger, lived in South Boston. Id.

The Boston Globe took the threat seriously, but was undeterred. On September 20, 1988, it published an article reporting that Bulger had a special relationship with the FBI, which had provided him protection in many investigations. Perhaps unwittingly, James Ahearn, the SAC in Boston, denied that Bulger was being protected by the FBI. Id.

The FBI subsequently investigated whether Morris had leaked the fact that Bulger was an informant. Morris repeatedly lied under oath in that investigation. He remained with the Bureau until 1995, when he retired as Chief of the Training and Administrative Section at the FBI Academy in Quantico, Virginia, following a menacing telephone call that he received from Bulger, who was then a fugitive. §§§§ II.27, II.33.

6. The protection Bulger and Flemmi received from their FBI handlers was not unique. Like Flemmi and Bulger, Mercurio was alerted to his imminent indictment and, as expected, became a fugitive. §§ II.30. While he was a fugitive, Mercurio stayed in contact with Connolly. When Edward Quinn, the Supervisor of the Organized Crime squad, learned on July 5, 1991 that Mercurio was known by the FBI to be in Boston, was expected to be on a boat on Rowes Wharf on July 7, 1991, and was also understood by Salemme to have assisted the FBI in bugging the LCN induction ceremony, Quinn secretly asked Connolly, who had retired, to get a warning to Mercurio of the dangers to him. Connolly did so. As a result, Mercurio promptly fled Boston again and was not at Rowes Wharf when FBI agents went to apprehend him on July 7, 1991. §§ II.31.




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H

United States District Court,
D. Massachusetts.

UNITED STATES of America
v.
Francis P. SALEMME, et al

Cr. No. 94-10287-MLW.

June 19, 1997.

After defendants moved to suppress electronic surveillance evidence, the District Court allowed defendants' motions for evidentiary hearings concerning suppression motions and ordered Government to disclose whether individuals were informants. After Government filed affidavit in response to order and one individual testified that he cooperated with Government, the Court, Wolf, J., held that Government would be permitted another opportunity to confirm or deny second individual's status as informant.

So ordered.

West Headnotes

[1] Criminal Law ⇨627.10(1)
110k627.10(1) Most Cited Cases

It is generally not in interests of administration of justice, or of the individuals involved, for government to confirm or deny a person's status as an informant; however, those generally valid considerations are trumped when court, properly balancing particular circumstances of case, decides that disclosure of informer's identity, or contents of his communication, is relevant and helpful to defense of accused, or is essential to fair determination of cause.

[2] Criminal Law ⇨627.10(7.1)
110k627.10(7.1) Most Cited Cases

Government would be permitted another opportunity to confirm or deny individual's status as informant, before district court decided how to proceed in matter arising from defendants' motions to suppress electronic surveillance evidence and allowance of *Franks* hearings, where Government indicated in affidavit that it would consider revising position if there were changed circumstances, and second individual who was also subject to confirmation order subsequently testified that he cooperated with Government. 28 C.F.R. § 16.26

*380 Anthony M. Cardinale, Boston, MA, for Robert P. Deluca.

MaryEllen Kelleher, Law Office of Richard Egbert, Boston, MA, Anthony M. Cardinale, Boston, MA, for Francis P. Salemme, Sr.

Kenneth J. Fishman, Bailey, Fishman & Leonard, Boston, MA, Richard M. Egbert, Boston, MA, for Stephen J. Flemmi.

Michael C. Bourbeau, Boston, MA, Robert A. George, Boston, MA, for James M. Martorano.

Martin G. Weinberg, Otteri, Weinberg & Lawson, Boston, MA, Anthony M. Cardinale, for John V. Martorano.

Fred M. Wyshak, Jr., U.S. Attorney's Office, Boston, MA, for U.S.

**MEMORANDUM AND ORDER**

WOLF, District Judge.

For the reasons described in prior Memoranda and Orders the defendants in this case have made the substantial preliminary showing required by *Franks v. Delaware*, 438 U.S. 154, 98 S.Ct. 2674, 57 L.Ed.2d 667 (1978), that is necessary to obtain an evidentiary hearing on their motion to suppress the intercepted La Cosa Nostra ("LCN") induction ceremony conducted at 24 Guild Street, Medford, Massachusetts on October 29, 1989. Indeed, the government now concedes that there is a proper basis for a *Franks* hearing with regard to that interception. *See* June 3, 1997 Government's Motion to Reconsider at 2; June 3, 1997 Transcript ("Tr.") at 41.

For the reasons described in detail in prior Memoranda and Orders, the defendants also made a substantial preliminary showing that Angelo "Sonny" Mercurio and Robert Donati were, during the relevant period, government informants and that, if true, disclosure of these facts, and the contents of at least some of their communications with the government, is important to a fair determination of the motion to suppress the intercepted LCN induction ceremony and related questions concerning whether there has been a pattern of government misconduct which may justify the dismissal of this case. May 22, 1997 Memorandum and Order Unsealed and

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Partially Unredacted June 6, 1997 ("May 22, 1997 Memorandum and Order") at 24-25; June 6, 1997 Memorandum and Order at 5, 7-8 & n. 2, 23; June 13, 1997 Memorandum and Order at 5. Thus, the court has found that in the circumstances of this case the defendants' right to prepare and present their defense outweighs the general public interest in maintaining confidentiality concerning possible informants. *Id.* Accordingly, the court exercised its discretion, *see United States v. Batista-Polanco*, 927 F.2d 14, 19 (1st Cir.1991), and ordered the Acting Deputy Attorney General ("ADAG") Seth A. Waxman to disclose to defendants whether Mercurio and/or Donati were informants. [FN1]

FN1. As explained in footnote 9 on page 32, which was redacted from the version of the May 22, 1997 Memorandum and Order provided to the parties and unsealed on June 6, 1997, prior to Mercurio's agreement to plead guilty, on July 31, 1995, the government informed Magistrate Judge Lawrence Cohen, who was handling pretrial discovery matters, that Mercurio had served as a Federal Bureau of Investigation ("FBI") informant and requested authority to disclose certain statements previously made by Mercurio to him directly rather than through his lawyers. July 31, 1995 Government's Ex Parte Motion for Protective Order. The Magistrate Judge granted this request and impounded the motion and Order. Neither the Magistrate Judge nor the government informed this court of these matters or of Mercurio's status as an informant. This court discovered the documents disclosing Mercurio's status long after it had sentenced him, when defendants, in support of the present motion to suppress, pointed out that the filing of documents under seal was reflected on the docket.
This court's Orders requiring disclosure concerning Mercurio's status to defendants and Donati's status to defendants and the court were issued in connection with comparable Orders directing disclosure of whether James "Whitey" Bulger, Kenneth Guarino and/or Anthony St. Laurant were also informants. The government has confirmed that Bulger was an informant. The ADAG has, however, declined to comply with the court's Orders regarding Guarino and St. Laurant, which are relevant to the possible suppression of conversations intercepted on December 11, 1991 at the Hilton Hotel in Boston, Massachusetts. The government has a pending motion for reconsideration regarding the Orders concerning Guarino and St. Laurant which the court will again consider seriously, but decide separately. As set forth in this Memorandum, the court recognizes that there are distinctions between Donati on one hand and Guarino and St. Laurant on the other and that those distinctions might affect the ADAG's decision whether to disclose their respective statuses.

*381 The ADAG has declined to comply with these Orders, most recently in an affidavit filed on June 11, 1997. Thus, the defendants and the court have been deprived of information that, as described in previous Memoranda, is important to resolving on the merits the question whether the intercepted UCN induction ceremony should be suppressed and other matters, including the question whether this case should be dismissed because of an alleged persistent pattern of government misconduct that makes this prosecution fundamentally unfair and must be deterred. May 22, 1997 Memorandum at 24-25; June 6, 1997 Memorandum and Order at 5, 7-8 & n. 2, 23; June 13, 1997 Memorandum and Order at 5.

In his June 16, 1997 Affidavit, the ADAG suggested, however, that has refusal to obey the court's Orders regarding Mercurio, Donati, Guarino and St. Laurant may not be final and might be revised if circumstances changed. More specifically, the ADAG stated that:

> 1. As a sanction for noncompliance with this Court's Order of June 6, 1997, the government presently intends: (i) to accept the exclusion of specified electronic surveillance evidence rather than confirm or deny whether Angelo Mercurio, Robert Donati, Kenneth Guarino, or Anthony St. Laurant were informants; and (ii) to appeal any suppression order entered by the Court.
> 2. If the Court of Appeals affirms such a suppression order, the government may reassess its decision neither to confirm nor deny whether the aforementioned individuals were informants, in light of: (i) the consequences of the Court of Appeals' opinion for the government's informant program in general and for this case; (ii) a contemporaneous assessment of the danger that disclosure would pose to any person; and (iii) *any other changed circumstances.*

(emphasis added). On June 18, 1997, there was a significant change in the circumstances concerning

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the motion to suppress the LCN induction ceremony. This evolution of events causes the court to pause in these proceedings in order to permit, and indeed require, the ADAG to reevaluate his decision not to confirm or deny whether Donati was an informant.

On June 17 and 18, 1997, the court adopted an approach with regard to Mercurio that the government had suggested concerning St. Laurant and Guarino, *see* June 3, 1997 Motion to Reconsider at 6, and called Mercurio as a witness. In connection with this the government represented that if Mercurio testified and lied about whether he was cooperating with the government with regard to the October 29, 1989 LCN induction ceremony, it would provide the court and the defendants accurate information—thus confirming or denying Mercurio's status as an informant as the court had ordered. After consulting counsel and reflecting upon his options, on June 18, 1997 Mercurio testified that he was cooperating with the government in connection with the October 29, 1989 LCN induction ceremony. As a result, the government has stated that Mercurio was the informant that it had previously agreed to stipulate was present at the ceremony. *See* June 3, 1997 Government Motion to Reconsider at 10, and Attachment A. The government has also acknowledged that the defendants are entitled to appropriate discovery concerning Mercurio's cooperation, although the parameters of that discovery remain in dispute.

Accordingly, the immediate remaining issue regarding the *Franks* hearing concerning the intercepted LCN induction ceremony is *382 whether Donati was also an informant. May 22, 1997 Memorandum and Order at 32-35; June 6, 1997 Memorandum and Order at 8-9. As stated at the June 18, 1997 hearing, this court has a strong preference for deciding the motion to suppress the LCN induction ceremony on the merits, rather than as a sanction for the ADAG's recalcitrance. This preference is based, in part, on the fact that it is in the interest of the administration of justice in this case, and in the many other LCN cases potentially affected, that reliable evidence of serious crimes not be excluded unless the standards of *Franks* are met, and in part on the fact that if suppression of the LCN induction ceremony is ordered without a full and fair hearing of the merits of defendants' claims, possible serious government misconduct may be covered-up.

The court notes that in contrast to a court order directing disclosure of classified information and certain other things, the applicable federal regulation gives the ADAG the discretion to comply with a court order requiring the disclosure of an informant. *See* 28 C.F.R. § 16.26. In exercising this discretion, and deciding whether to comply or accept a sanction for noncompliance, the ADAG must consider:

> (1) The seriousness of the violation or crime involved.
> (2) The past history or criminal record of the violator or accused.
> (3) The importance of the relief sought.
> (4) The importance of the legal issues presented.
> (5) Other matters brought to the attention of the [ADAG].

*Id.*

In this case, the Fourth Superseding Indictment plainly charges that very serious crimes were committed by defendants with significant criminal histories, who allegedly remain dangerous to the public. The refusal of the ADAG to comply with the court's Order concerning Donati not only invites suppression of the LCN induction ceremony, but also all evidence derived from it. *See* 18 U.S.C. § 2518(10)(a). Such evidence may include the December 11, 1991 interceptions at the Hilton Hotel that is now also at issue because the intercepted LCN ceremony was referenced and relied upon in the affidavit in support of the application for authority to conduct that electronic surveillance. October 27, 1989 Affidavit of Walter J. Steffens ¶ 9, Bate Stamp 8856.

As described in detail in previous Memoranda and Orders, this court recognizes that there is generally a public interest in maintaining the confidentiality of informants and, at times, meaningful concerns regarding their safety. However, even in cases involving alleged members of the LCN, the government has not always declined to identify an informant. For example, in *United States v. Johnson*, 801 F.2d 597, 598 (2d Cir.1986), the Court of Appeals for the Second Circuit explained that:

> *This appeal arises out of a criminal prosecution brought against Johnson and nine others on two counts of racketeering, in violation of 18 U.S.C. § 1962(c) and (d) (1982), for their alleged participation in the affairs of the Gambino crime family. After the indictment, the government identified Johnson as an informant for the Federal Bureau of Investigation* ("FBI") and moved to have him detained on the ground that he was likely to flee. At the detention hearing Johnson voluntarily testified, denying that he had ever been a government informant. The district court found to the contrary, however, and ordered him detained. *During pretrial discovery, portions of Johnson's*

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*informant file were disclosed to his codefendants.* They then filed joint pretrial motions to exclude from evidence all hearsay statements made by Johnson that the government intended to offer as statements by a coconspirator under Fed.R.Evid. 801(d)(2)(E).

(emphasis added).

Similarly, in the instant case the government complied with this court's Order and confirmed that James "Whitey" Bulger was an informant. [FN2] Thus, complying with the *383 court's pending Orders regarding Donati would not be unprecedented.

FN2. In disclosing that Bulger was an informant the government explained that his current status as a defendant, on charges that he committed serious crimes while an informant, and the fact that he is now a fugitive indicated that he had forfeited any reasonable expectation that his previous informant status would remain confidential. Affidavit of Paul E. Coffey, Esq., filed June 3, 1997, under seal. The government characterized Bulger's circumstances as "rare and unique." *Id.* As the court noted at the June 17, 1997 hearing, however, Mercurio was in many respects similarly situated to Bulger, but the government refused to confirm his status formally, while virtually doing so by proposing to stipulate that it had an informant at the October 29, 1989 LCN induction ceremony. *See* June 3, 1997 Government Motion to Reconsider at 10, and Attachment A.

In his June 16, 1997 affidavit, the ADAG indicated that if there were changed circumstances, he would, in deciding whether to revise his position, consider, among other things, "a contemporaneous assessment of the danger that disclosure would pose to any person." In contrast to Mercurio, St. Laurant, and Guarino, Donati is deceased. The court is not aware that anyone close to Donati is now perceived to be in danger because of Donati's possible status as an informant, but such danger, if any, has existed since Donati's death in 1991, [FN3] and if it is believed to be a serious threat, appropriate measures could and should have been taken to protect against it by now.

FN3. *See* David Liscio, *Revere Man Murdered for Helping FBI Probe,* Lynn Item, October 1, 1991, at 1 (reporting that Donati was murdered because he was believed to be an informant).

Moreover, in contrast to Mercurio, Guarino and St Laurant, who could each be asked by the court about their status, only the government can confirm or deny whether Donati was an informant. In response to questioning, the government has not suggested any alternative to address the issues relating to Donati other than reliance upon its representation that no misconduct occurred. The history of the government's conduct in the litigation since 1991 regarding the intercepted LCN induction ceremony, [FN4] and the substantial preliminary showing defendants have made that the government failed in its statutory duty to make full and complete disclosures regarding certain matters to the court in obtaining the other orders authorizing electronic surveillance now at issue, render the government's proffered representations unacceptable.

FN4. As this court found previously, in 1991 the government initially attempted to mislead the court and the defendants in *United States v. Ferrara* concerning the existence of the question of whether the government had failed to provide the issuing judge all of the legally required information with regard to whether roving electronic surveillance should be authorized. *See* 771 F.Supp. 1266, 1308 & n. 16 (D.Mass.1991). Questions concerning the reliability of the government's representations in connection with this matter persist. In 1991 this court relied upon the testimony of an Assistant United States Attorney in finding that she did not "fail to mention 34 Guild Street to [the issuing judge] to protect the identity of any informant." *Id.* at 1279. In the May 22, 1997 Memorandum and Order, page 30, the court noted this finding. On June 3, 1997, the government disclosed to the court and the defendants in this case an October 25, 1989 memorandum from the Boston office of the FBI to its headquarters concerning the then proposed application for a roving warrant. That memorandum states, in part, that "[roving] 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

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affidavit of a traditional Title III application." Attachment to June 3, 1997 letter from Assistant United States Attorney Fred M. Wyshak. This statement is inconsistent with the position that the government took in 1991 regarding its reasons for seeking roving authority. The court recognizes the possibility that different representatives of the government may have had different motives in seeking roving authorization. This is an issue that may be explored at the *Franks* hearing that has been ordered. As the government acknowledged at the June 3, 1997 hearing, however, the October 25, 1989 FBI memorandum should have been disclosed in 1991. June 3, 1997 Tr. at 10.

As indicated earlier, the refusal of the ADAG to comply with the court's Orders regarding Donati invites the court to, at a minimum, exclude from the trial of this case the intercepted LCN induction ceremony and any evidence derived from it. However, imposition of exclusion as a sanction, and/or the refusal of the government to disclose whether Donati was an informant, also have the potential to impede the hearings necessary to determine whether members of the Department of Justice engaged in serious misconduct and, if so, whether this case should be dismissed. *See* June 13, 1997 Memorandum and Order at 4-5 (citing *384*United States v. Morrison*, 449 U.S. 361, 366 n. 2, 101 S.Ct. 665, 669 n. 2, 66 L.Ed.2d 564 (1981), and *Bank of Nova Scotia v. United States*, 487 U.S. 250, 259, 108 S.Ct. 2369, 2375-76, 101 L.Ed.2d 228 (1988)).

The issues of possible government misconduct now presented in this case may include, but not be limited to, the following: (1) whether the government persistently failed to meet its statutory obligations to make the "full and complete statement[s]" concerning the necessity for electronic surveillance and the need for roving orders required by 18 U.S.C. § § 2518(1)(c) and (11)(a)(ii), *see* May 22, 1997 Memorandum and Order at 9-13; June 6, 1997 Memorandum and Order at 11-12; [FN5] (2) whether the court was deliberately misled when informed in 1991 that the government was not motivated to seek a roving order, rather than a warrant to bug 34 Guild Street, by a desire to protect the identity of any informant, *see* n. 4, *supra;* (3) whether Donati and/or Mercurio improperly attended or reported to the government concerning meetings between counsel and any defendant in this case either before or after his indictment, *see, e.g., Weatherford v. Bursey*, 429 U.S. 545, 554, 97 S.Ct. 837, 843, 51 L.Ed.2d 30 (1977)(listing factors that indicate when presence of informant at attorney-client meeting may violate defendant's Sixth Amendment rights); *United States v. Mastroianni*, 749 F.2d 900, 905-908 (1st Cir.1984)(explaining *Weatherford* and delineating burden of proof for such a Sixth Amendment claim); (4) whether, while an informant, Mercurio participated in the attempted murder of defendant Francis Salemme and, if so, whether the government abetted or tacitly approved that crime, *see* May 22, 1997 Memorandum and Order at 35-36; June 13, 1997 Memorandum and Order at 5-6; and (5) whether any employee of the government participated in harboring Mercurio while he was a fugitive.

FN5. A full and complete statement regarding the availability of other techniques, including the use of informants, is required so that the issuing judge can make the findings as to necessity of electronic surveillance required by Title III. *United States v. Cole*, 807 F.2d 262, 267 (1st Cir.1986)(noting the importance of judicial scrutiny of wiretap applications to the necessity prong of Title III), *cert. denied*, 481 U.S. 1069, 107 S.Ct. 2461, 95 L.Ed.2d 870 (1987); *United States v. Abou-Saada*, 785 F.2d 1, 11 (1st Cir.)(stressing that "the district court must satisfy itself" that electronic surveillance is necessary)(Breyer, C.J.), *cert. denied*, 477 U.S. 908, 106 S.Ct. 3283, 91 L.Ed.2d 572 (1986); *United States v. Scibelli*, 549 F.2d 222, 226 (1st Cir.) (observing that issuing judge must consider "all the facts and circumstances")(quoting S.Rep. No. 1097, 90th Cong., 2d Sess. (1968), *reprinted in* 1968 U.S.C.C.A.N. 2112, 2190), *cert. denied*, 431 U.S. 960, 97 S.Ct. 2687, 53 L.Ed.2d 278 (1977). The full and complete statement must pertain to the specific facts of the case. *United States v. Simpson*, 813 F.2d 1462, 1471 (9th Cir.)(wiretap " 'affidavit must show with specificity why in *this particular investigation* ordinary means of investigation will fail' "(quoting *United States v. Robinson*, 698 F.2d 448, 453 (D.C.Cir.1983)(emphasis in original)), *cert. denied*, 484 U.S. 898, 108 S.Ct. 233, 98 L.Ed.2d 192 (1987).
Where the government is employing one or more confidential informants, it is

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> particularly important to disclose enough information in the affidavit to permit the issuing judge to perform the statutorily required review. *See, e.g., United States v. Falls*, 34 F.3d 674, 682 (8th Cir.1994)( "expressly disapprov[ing] the government's failure to inform the issuing judge" that the confidential informant was actually one of the named suspects in the application); *United States v. Brooklier*, 685 F.2d 1208, 1221 (9th Cir.1982)(noting that government's doubts as to whether or not a confidential informant would "fully" cooperate "did not relieve it of the obligation to set forth those facts" to the issuing judge), *cert. denied*, 459 U.S. 1206, 103 S.Ct. 1195, 75 L.Ed.2d 439 (1983).
>
> If a pattern of misconduct is proven with regard to the applications for electronic surveillance relating to this case, the question may be presented in other matters whether the Department of Justice, which must review and approve all applications for electronic surveillance, 18 U.S.C. § 2516, had a national practice that was legally deficient.

Thus, issues of possible serious government misconduct have been presented. The court's ability to resolve the merits of those issues will be impeded, and possibly frustrated, if the ADAG continues to decline to disclose whether Donati was an informant despite Mercurio's recent revelation regarding his status. It is appropriate to reiterate, however, that while defendants have properly presented many serious issues concerning possible government misconduct, those issues have not been decided. *See* May 22, 1997 Memorandum and Order at 48. Rather, the court has determined only that the defendants are entitled to evidentiary hearings *385 concerning some, but not necessarily all, of the issues presented and that certain disclosures are required to permit those hearings to be conducted properly. Similarly, the court notes that even if some misconduct is ultimately proven, it does not necessarily follow that any evidence will be suppressed or that this case must be dismissed. *See, e.g., Ferrara*, 771 F.Supp. at 1311 (holding failure to satisfy 18 U.S.C. § 2518(1)(a)(i) did not, on facts found, justify suppression because omission was inadvertent and omitted information was not material); *United States v. Isgro*, 974 F.2d 1091, 1098 (9th Cir.1992)(holding that while there was justification to sanction proven government misconduct, dismissal was unwarranted), *cert. denied*, 507 U.S. 985, 113 S.Ct. 1581, 123 L.Ed.2d 148 (1993).

[1] Once again, this court fully appreciates that it is generally not in the interests of the administration of justice, or the individuals involved, for the government to confirm or deny an individual's status as an informant. *See generally Roviaro v. United States*, 353 U.S. 53, 77 S.Ct. 623, 1 L.Ed.2d 639 (1957). However, those generally valid considerations are trumped when a court, properly balancing the particular circumstances of the case, decides that "the disclosure of an informer's identity, or the contents of his communication, is relevant and helpful to the defense of an accused, or is essential to a fair determination of a cause." *Id. See also United States v. Formanczyk*, 949 F.2d 526, 529 (1st Cir.1991). After ten hearings, for the reasons now addressed in four Memoranda and Orders, the court continues to find with regard to Donati's status that this is such a case.

[2] As described earlier, Mercurio's confirmation that he was an informant is a changed circumstance that the ADAG did not have the opportunity to consider in deciding previously not to comply with this court's Orders regarding Donati. The court believes that the ADAG should, therefore, have another opportunity to decide if he will confirm or deny Donati's status before this court decides how to proceed. In doing so, the court expects that the ADAG will consider the factors described in 28 C.F.R. § 16.26 and the potential adverse effects that a refusal to comply may have on the administration of justice. These potential adverse effects include, but may not be limited to: the exclusion of the intercepted LCN induction ceremony and any evidence derived from it at the possible trial of this case; the fact that such exclusion will strengthen defendants' contention that this case should be dismissed because of a persistent pattern of government misconduct; the fact that suppression of the LCN induction ceremony in this case will foreseeably prompt petitions, pursuant to 28 U.S.C. § 2255, to vacate sentences imposed in other LCN cases in which the intercepted induction ceremony has been introduced as evidence or used to prompt a guilty plea; and the fact that because a properly informed decision by the court of the pending charges of past government misconduct will be at least impeded by the ADAG's refusal to disclose whether Donati was an informant, public confidence in the present administration of the Department of Justice may be injured.

Accordingly, as orally ordered on June 18, 1997, it is

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hereby ORDERED that:

1. The ADAG shall, by June 20, 1997 at 2:00 p.m., file an affidavit stating (a) that he has read this court's Memoranda and Orders which relate to the disclosure of Robert Donati's status, including this Memorandum and Order and the June 13, 1997 Memorandum and Order; (b) whether, in view of the changed circumstances, he will now comply with this court's Orders regarding Donati; and (c) if so, whether Donati was, at any time after 1967, a confidential source of information (however internally designated) for any agency or agent or attorney, within the United States Department of Justice, including but not limited to the Federal Bureau of Investigation. If the ADAG has not reached a decision by 2:00 p.m. on June 20, 1997 and wishes to consider this matter further, the court will, if requested, extend the time for his response to this Order to 9:00 a.m. on June 23, 1997.

2. Hearings will resume on June 23, 1997 at 9:30 a.m. to address the Donati matter, among other things.

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Date of transcription 1/9/95

Massachusetts Senate President WILLIAM M. BULGER was interviewed. He responded by telephone to a request for interview made by the interviewing Agent. He advised as follows:

He has had no recent contact with his brother, and did not wish to be interviewed by the FBI, nor answer any questions posed to him by the interviewing Agent. In response, the interviewing Agent advised BULGER that should he be in contact with his brother JAMES, he might suggest to JAMES that he contact the interviewing Agent to discuss a time at which he could give himself up. He was further advised that his brother was the subject of a Federal fugitive investigation that would not end until he was captured. BULGER responded that he would keep this in mind.

The interviewing Agent advised him that should he receive information about his brother JAMES' location, or know of other persons who might be helpful in locating him, he should contact the interviewing Agent immediately. BULGER responded that he would consider the interviewing Agent's suggestions.

(telephonically)

Investigation on 1/9/95 at BOSTON, MA File # 281A-BS-53647-FUG -4

by SA JOHN E. GAMEL JEG/ Date dictated 1/9/95

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EXHIBIT 981

TOTAL P.02

## 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

With the reservations set forth below, the minority concurs with the report's findings of serious misconduct by agents of the Federal Bureau of Investigation. The report concludes, among other things, that FBI agents tolerated or encouraged false testimony in a Massachusetts death penalty prosecution, protected informants and cooperating witnesses known to have committed murders and other violent crimes, and hindered state law enforcement investigations of organized crime. The report also justifiably criticizes the Bush Administration's Justice Department for actions such as the unwarranted assertion of executive privilege that made it difficult for the Committee to conduct its investigation.

### A. THE COMMITTEE'S REPORT CONTRIBUTES TO A GROWING RECORD OF FBI MISCONDUCT IN NEW ENGLAND

This report adds to a vast public record of FBI misconduct in New England. Evidence of this wrongdoing first surfaced in 1995 as part of a federal racketeering prosecution against Francis P. Salemme and others. One of the defendants in that criminal case, Stephen J. Flemmi, filed pretrial motions disclosing that he and alleged organized crime leader James Bulger had been long-time FBI informants and alleging that the FBI had promised them protection from prosecution in exchange for their continued assistance.

Mr. Flemmi's pretrial motions led to a year of highly publicized evidentiary hearings in 1998 before United States District Judge Mark L. Wolf. Judge Wolf later issued a 661-page opinion concluding that FBI agents had engaged in serious criminal misconduct.[1] He found that Boston FBI agents protected organized crime figures who committed murders and other violent crimes; leaked information that resulted in the murders of witnesses cooperating with law enforcement agencies; intimidated citizens from pursuing criminal complaints; warned suspected criminals of investigations and electronic surveillance, impeding the efforts of other law enforcement agencies; warned suspected criminals of impending indictments, enabling them to flee; placed false information in the file of an informant to divert attention from possible crimes; solicited and accepted illegal gifts from informants; and lied under oath.

In January 1999, Attorney General Janet Reno established the Justice Task Force (JTF) to investigate the interaction of organized crime informants with current and former FBI employees from 1960 through 1991. In December 1999, JTF obtained racketeering

[1] *United States* v. *Salemme,* 91 F.Supp.2d 141 (D. Mass. 1999).

indictments against James Bulger, Mr. Flemmi, and former FBI Special Agent John Connolly. In May 2002, Special Agent Connolly was convicted of racketeering and obstruction of justice charges and later sentenced to ten years imprisonment. In October 2003, Mr. Flemmi pleaded guilty to racketeering charges involving ten murders. As part of a plea agreement, he implicated another FBI agent, H. Paul Rico, in the murder of Oklahoma businessman Roger Wheeler. Mr. Rico is currently facing state murder and murder conspiracy charges in Oklahoma.

B. RESERVATIONS CONCERNING UNILATERAL MAJORITY INTERVIEWS

The Committee's investigation was largely nonpartisan, and this report reflects the involvement of minority and majority members of the Committee. Rep. John F. Tierney, Rep. Stephen F. Lynch, and minority members who are not on this Committee played a leading role throughout the process. Minority members gave necessary votes for grants of immunity and actively participated in every hearing and field hearing.

Despite the consistent support of the investigation by minority members, the staff of the previous chairman conducted dozens of interviews without notice to the minority or an opportunity to participate. This practice was unnecessary and unfortunately prevents the minority from supporting significant portions of the final report.

In particular, the following sections rely extensively on unilateral majority interviews, which the minority cannot verify as accurate: (1) section III(A)(4)(iv) entitled "Anthony Stathopoulos and the Deegan Murder Prosecution,"[2] (2) section III(A)(7)(ii) entitled "Peter Limone,"[3] (3) section III(B)(2) entitled "Nevada,"[4] (4) section III(B)(4) entitled "Florida,"[5] (5) section III(B)(5) entitled "Massachusetts,"[6] and (6) section III(B)(7) entitled "Rhode Island."[7] Section III(A)(8) entitled "Efforts to Protect Stephen Flemmi After the Deegan Murder Trial" relies primarily on public records, but it also cites several interviews that the minority cannot verify as accurate.[8] The remaining sections of the report are supported by

[2] The minority did not participate in the February 21, 2003, interview with Anthony Stathopoulos, on which this section is based.

[3] The minority did not participate in the following interviews on which this section is based: Interview with Richard Luccio, Member, Massachusetts Parole Board (Sept. 23, 2002); Interview with James W. Greenleaf, Special Agent in Charge, Boston FBI Field Office (Sept. 25, 2002); Interview with Kevin Burke, Member, Massachusetts Parole Board (May 30, 2001); Interview with Brian Callery, former Chairman, Massachusetts Parole Board (June 26, 2001); Interview with Michael Albano, former Member, Massachusetts Parole Board (Sept. 23, 2002); Interview with Jack Curran, former Chairman, Massachusetts Parole Board (June 28, 2001).

[4] The minority did not participate in the following interviews on which this section is based: Interview with Robert Daddeico (Oct. 17–18, 2001); Interview with Charles Lee, former Detective, Las Vegas Metropolitan Police Dept. (Apr. 4, 2002); Interview with David Hatch, Detective, Las Vegas Metro Police Dept., Cold Case Review, Homicide Section (Apr. 4, 2002).

[5] The minority did not participate in the following interviews on which this section is based: Telephone Interview with Shelton Merritt, former Detective, Metro Dade Police Dept. (Dec. 2, 2002); Telephone Interview with Lewis Wilson, former Special Agent, Florida Department of Law Enforcement (Dec. 2, 2002).

[6] The minority did not participate in the interview with Bob Long, former Sergeant, Massachusetts State Police (Apr. 17, 2001).

[7] The minority did not participate in the following interviews: Interview with Richard Israel, former Assistant Attorney General for Rhode Island (Sept. 26, 2001); Interview with David Leach, former Assistant Attorney General for Rhode Island (Sept. 25, 2001).

[8] The minority did not participate in the following interviews: Interview with Robert Daddeico (Oct. 17–18, 2001); Interview with Charles Lee, former Detective, Las Vegas Metropolitan Police

Continued

hearing testimony, Committee records, or public documents, though many also include citations to unilateral majority interviews.[9]

C. NEED FOR ADDITIONAL INVESTIGATION

During the course of the Committee's investigation, federal and state prosecutors requested that the Committee refrain from compelling the testimony of certain witnesses that would complicate pending criminal prosecutions. Out of deference to these prosecutors, and because important witnesses such as James Bulger remain fugitives, the Committee's fact finding focused mainly on the Deegan murder trial and other early events of the 1960s and 1970s.

As the report acknowledges, many questions remain about the FBI's handling of confidential informants and cooperating witnesses after this time period, and the inquiry remains substantially incomplete. At the earliest opportunity, the Justice Department should make a public accounting of its investigation into the allegedly corrupt relationship between Mr. Connolly and James Bulger. Finally, the committees of jurisdiction should continue to review the FBI's human source program and ensure that appropriate systems are in place to prevent similar abuses in the future.

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.
HON. ELEANOR HOLMES NORTON.

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Dept. (Apr. 4, 2002); Interview with Anthony Ciulla (Dec. 5, 2002); Interview with Bob Long, Sergeant, Massachusetts State Police (Apr. 17, 2001); Interview with Shelton Merritt, former Detective, Metro Dade Police Dept. (Dec. 2, 2001).

[9] The minority did not participate in the following interviews: Interview of Joseph Williams, former Supervisor of the Warrant & Investigation Unit, Massachusetts Parole Board June 29, 2001); Interview with Joseph Salvati (Mar. 27, 2001); Interview with Chester Paris, attorney for Joseph Salvati during the Deegan trial (Aug. 6, 2002); Interview with Edward Harrington, former Attorney in Charge, Organized Crime & Racketeering Section, Boston U.S. Dep't of Justice Field Office (Dec. 20, 2001); Interview with Dan Rea, investigative reporter (May 1, 2001); Interview with Joseph Williams, former Supervisor of the Warrant & Investigation Unit, Massachusetts Parole Board (June 29, 2001); Interview of Victor Garo, Attorney for Joseph Salvati (Mar. 26, 2001); Interview with James A. Ring, Supervisory Special Agent, Boston FBI Field Office (Sept. 25, 2002); Interview with Chuck Hiner, former Special Agent in Charge, San Francisco FBI Field Office (Sept. 25, 2001); 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. 25, 2001); Interview with James Southwood, former reporter, Boston Herald Traveler (Sept. 28, 2001); Interview with Tom Brown, former Detective Sergeant, Sonoma County Sheriff's Office (Aug. 30, 2001); Interview with Ron Fahey, former Chief Deputy District Attorney, Sonoma County (July 9, 2001); Interview of Marteen Miller, former Public Defender, Sonoma County (July 9, 2001); Interview of Bony Saludes, former reporter, Press Democrat (July 9, 2001); Interview of Ed Cameron, former Investigator, Sonoma County District Attorney's Office (July 10, 2001); Interview of Gary Bricker, former U.S. Marshal (July 9, 2001); Interview of Judge Joseph P. Murphy, Jr. (Aug. 29, 2001); and Interview of John Partington, former U.S. Marshal (Sept. 24, 2001).

## ADDITIONAL MINORITY VIEWS BY HON. JOHN F. TIERNEY, HON. STEPHEN F. LYNCH, HON. ELIJAH E. CUMMINGS, AND HON. BERNARD SANDERS

This Committee's work is not done concerning any determination of facts relevant to the Federal Bureau of Investigation's (FBI's) conduct toward informants' testimony. The Justice Department has withheld potentially significant information, and several potentially significant witnesses have not been fully interrogated due to the assertion of on-going investigations or prosecutions, or because they, at least at this time, are unwilling to testify.

The Committee should, and we believe it has the obligation to, continue its work by pursuing as yet unavailable records and other information from the Department and by interviewing relevant witnesses once the Department's investigation and/or prosecutions are complete or if the circumstances occur that encourage heretofore unwilling witnesses to testify. We believe further important and helpful information could certainly be available, and it should be pursued.

More thorough inquiry should have been made on behalf of the Committee about the relationship between the FBI, informants, and members of the informants' families and whether those relationships impacted FBI investigations outside the scope of Patriarca, Barboza, Flemmi, or "Whitey" Bulger's activities. The Committee should consider whether further and more in-depth investigation would tend to inform the goals of its subject hearings or would instead serve only to gather information, however indicative of improper activity, outside the scope of purpose for this particular inquiry.

The Committee needs to conduct further efforts aimed at examining what, if any, Department and Bureau corrective actions have been undertaken since this scandal first came to light and the adequacy of same, as well as what actions must be taken legislatively, through regulation, by oversight activity, or some combination in order to prevent a continuation or recurrence of similar events in the future.

Finally, this Committee would be well served, and would serve Congress well, if it conducted follow-up hearings on the disgraceful conduct of the Justice Department in its lack of forthrightness and cooperation. If Congress is to assert its role as a co-equal branch of the government, and fulfill its responsibilities of oversight, it must be able to obtain honest, responsive, and timely information from Executive departments and agencies, barring some privilege justifying any failure to appropriately respond to Congress' requests.

The Committee's work should not be considered complete until the foregoing is accomplished.

HON. JOHN F. TIERNEY
HON. STEPHEN F. LYNCH.
HON. ELIJAH E. CUMMINGS.
HON. BERNARD SANDERS.

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