THE FBI'S CONTROVERSIAL HANDLING OF ORGANIZED CRIME INVESTIGATIONS IN BOSTON: THE CASE OF JOSEPH SALVATI

HEARING

BEFORE THE

COMMITTEE ON GOVERNMENT REFORM

HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

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THE FBI'S CONTROVERSIAL HANDLING OF ORGANIZED CRIME INVESTIGATIONS IN BOSTON: THE CASE OF JOSEPH SALVATI

THURSDAY, MAY 3, 2001

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The committee met, pursuant to notice, at 10:25 a.m., in room 2154, Rayburn House Office Building, Hon. Dan Burton (chairman of the committee) presiding.

Present: Representatives Burton, Gilman, Morella, Shays, Horn, LaTourette, Barr, Jo Ann Davis of Virginia, Putnam, Otter, Kanjorski, Norton, Cummings, Kucinich, and Tierney.

Also present: Representatives Delahunt, Frank, and Meehan.

Staff present: Kevin Binger, staff director; James C. Wilson, chief counsel; David A. Kass, deputy chief counsel; Mark Corallo, director of communications; Thomas Bowman, senior counsel; Pablo Carrillo, investigative counsel; James J. Schumann, counsel; Sarah Anderson, staff assistant; Robert A. Briggs, chief clerk; Robin Butler, office manager; Michael Canty and Toni Lightle, legislative assistant; Josie Duckett, deputy communications director; John Sare, deputy chief clerk; Danleigh Halfast, assistant to chief counsel; Corrine Zaccagnini, systems administrator; Phil Schiliro, minority staff director; David Rapallo, minority counsel; Michael Yeager, minority senior oversight counsel; Ellen Rayner, minority chief clerk; Jean Gosa, minority assistant clerk; and Teresa Coufal, minority staff assistant.

Mr. BURTON. Good morning. A quorum being present, the committee will come to order. I ask unanimous consent that all witnesses' and Members' statements be included in the record. Without objection so ordered. I ask unanimous consent that all articles, exhibits, and extraneous or tabular material referred to be included in the record. Without objection so ordered. I ask unanimous consent that a set of exhibits which have been prepared for today's hearing be inserted into the record and without objection, so ordered. I ask unanimous consent that Representatives Barney Frank, Bill Delahunt and Marty Meehan who are not members of the committee, be allowed to participate in today's hearing and without objection, so ordered.

I ask unanimous consent that questioning in this matter proceed under clause 2(j)(2) of House rule 11, and committee rule 14 in which the chairman and ranking minority member may allocate time to committee counsel as they deem appropriate for extended

questioning, not to exceed 60 minutes equally divided between the majority and minority and without objection, so ordered.

Today's hearing is going to focus on an injustice done by the FBI that went on for nearly 30 years. We're going to hear about a terrible wrong that was done to one man and his family. As terrible as this story is, it's only one small part of a much larger picture. I have always supported law enforcement. I remember I used to watch "I Led Three Lives" on television, and I used to watch the FBI programs and I thought that the FBI Director walked on water. And my great faith in Mr. Hoover has been shaken by what I have learned in just the last few weeks. Over the years, I have worked with Director Louie Freeh on a number of issues, and I think Louie Freeh has done a terrific job, and I'm sorry to see him leave this summer.

I think that, on the whole, the FBI has done great work protecting the people of this country. But we are a Nation of laws and not of men. In this country, no one is above the law. If a Federal law enforcement agency does something wrong, they have to be held accountable. That's why we held hearings on the Drug Enforcement Agency last December. I have a lot of respect for the men and women of the DEA. They have a tough job and they do it well. But there was a very important drug investigation going on in Houston, TX. It was shut down because of political pressure that was brought to bear. And then the head of the Houston office for the DEA came up here and mislead the Congress about it. That cannot be tolerated. What the FBI did to Boston 30 years ago cannot be tolerated.

We will hear today from Joseph Salvati. Mr. Salvati spent 30 years in prison for a murder he didn't commit. 30 years. Think about that. That is 1971. Do you remember what you were doing in 1971? Think about it, what it would be like if you were in prison for 30 years. It was a death penalty crime. He went to prison in 1968. He had a wife and four children. His oldest child at the time was 14, his youngest was 6 and he wasn't released from prison until 1997, 30 years later.

The reason Joe Salvati went to prison was because an FBI informant lied about him which is unthinkable. But the reason he stayed in jail was because the FBI agents knew their informant lied and they covered it up, and that's much worse. Documents we've received show that this case was being followed at the highest levels of the FBI in Washington. J. Edgar Hoover was kept informed on a regular basis. It is hard to believe he didn't know about this terrible injustice. The informant who put Joe Salvati in prison was Joseph "the Animal" Barboza. He was a contract killer in Boston. He was also a prized FBI informant. He was considered so valuable that they created the Witness Protection Program to protect him.

Most of the evidence now indicates that Joseph Barboza and his associates planned and executed the murder. Barboza pointed the finger at Joe Salvati because Salvati owed him $400. Because of $400, Joe Salvati spent 30 years in prison. Joe Salvati and his wife Marie are going to testify today. And I want to express to both of you how deeply sorry we are for everything that has been taken away from you and that you have had to go through over these

past 30 years, and I want to thank you for being here today. And I intend to participate in making sure that you are compensated for—money can't pay for what you went through—but you should be compensated for what you went through and the time you spent away from your family. We will try to make sure that happens.

Joseph Barboza was a criminal. You would expect him to lie, but the FBI is another story. They are supposed to stand for the truth. The FBI had a lot of evidence that Joe Salvati didn't commit that crime and they covered it up. Prior to the murder, the FBI was told by informants that Joseph Barboza and his friend, Vincent Flemmi, were planning to commit the murder of Teddy Deegan. Two days before Deegan was murdered, J. Edgar Hoover, the head of the FBI, got a memo about Vincent Flemmi: One the FBI's own informants was going to kill Deegan.

The author was H. Paul Rico, who will testify later today. He was a member of the FBI at the time. After the murder, the FBI was told by informants that Barboza and Flemmi had committed the crime. J. Edgar Hoover was told that Barboza and Flemmi had committed the crime. FBI memos spell all of this out. The FBI was compelled to make these documents public just in the last few months. They had all this information but they let Joseph "the Animal" Barboza testify anyway and put Mr. Salvati away for life.

Originally it was the death penalty. But that wasn't the end of it. In the 1970's, Barboza tried to recant his testimony. The FBI pressured him not to do it. Mr. Barboza's lawyer was F. Lee Bailey, and Mr. Bailey is going to testify about what happened later today. Mr. Bailey told the Massachusetts attorney general's office that his clients had lied and the wrong man was in prison. He was ignored. Mr. Bailey asked Joe Barboza to take a lie detector test to make sure he was telling the truth this time. Barboza was in prison at the time on a separate offense. When the FBI got wind of this, they went to the prison and told Barboza not to take the polygraph and to fire his lawyer, Mr. Bailey, or he'd spend the rest of his life in jail.

So the FBI once again was trying to protect their tails and cover this thing up. I think that is just criminal. Not only did the FBI conceal the evidence that they had on Joe Salvati that Joe Salvati was innocent, they went out and actively suppressed other evidence. To say what they did was unseemly was an understatement. It was rotten to the core.

And this is just one small part of the story. Joe "the Animal" Barboza wasn't the only mob informant the FBI official cultivated in Boston. There was James Whitey Bulger, who was a killer. There was Steve "the Rifleman" Flemmi, and there were others.

While they worked with the FBI, they went on a crime spree that lasted for decades. There were dozens of murders. There were predatory sexual crimes. They committed all of these crimes with virtual impunity because they were under the protection of the FBI. When informants emerged that tied these men to crimes, they were tipped off by the FBI and the informants were murdered.

So the FBI were complicitous and involved in the murders of some of these people that were informants. It was apparently a very cozy relationship. We understand there were FBI agents that got cash, they got money from the mobsters. Then got cases of

wine, tickets for girlfriends and other favors, and we'll get to those issues in later hearings.

Joseph Barboza committed a murder while he was in the Witness Protection Program. Paul Rico, who will testify today, actually flew out to California to help Barboza's defense, and so did a man who is now a Federal judge. I have issued subpoenas to two of the principal FBI agents who were involved with Joseph Barboza: Paul Rico and Dennis Condon. Mr. Condon is not here today. I understand he is in very poor health, but that does not excuse the things he is accused of doing and we have still have a lot of questions to ask him.

I can assure everyone that one way or another, we will be interviewing Mr. Condon. Mr. Rico is here. I understand that there is a possibility he may take the fifth amendment because he's under criminal investigation. I hope that will not be the case. We have a lot of questions, and I think that Joe Salvati and the American people deserve answers. Years ago FBI agents would heap scorn when organized crime figures took the fifth amendment. I hope Mr. Rico does the right thing today and testifies.

One thing that really troubles me about our third panel comes from the document we have just received. Paul Rico and Dennis Condon interviewed Joseph Barboza in 1967. That report is exhibit 24, which we will show later. Barboza told him he would never provide information that would allow James Vincent Flemmi to fry but that he will consider furnishing information on these murders. Mr. Rico and Condon had lots of evidence that Flemmi was in on the Deegan murder. They knew that Barboza would not incriminate Flemmi, yet they stood by while Barboza protected his partner and put Joe Salvati in a death penalty crime.

[Exhibit 24 follows:]

JOSEPH BARON, also known as JOE BARBOZA, was interviewed at the Massachusetts Correctional Institution, Walpole, Massachusetts.

BARON stated that he would not mind talking to the Agents if the Agents would not end up testifying against him for what he said. BARON was told that if he wanted to talk in confidence that "we would respect his confidence."

BARON advised that he has always tried to make a living outside of the law and that if anyone in law enforcement could prove that he was doing wrong, he is willing to pay the consequences. However, he said, when you find that a police officer that you know "fingered scores, acted as lookout when scores were being pulled, and divided up the proceeds of these scores" turns around and manufactures evidence and testimony against you, you have a feeling that maybe you, the criminal, have played by the wrong standards.

BARON said that he never wanted to physically hurt anyone in law enforcement but added that "If my life is ruined by this individual trying to benefit his own ambitions, the day I come out of jail could be the day this Lieutenant becomes nervous."

BARON said that he knows that INCEGNERI is friends with the "connected people" and that these people wanted to see him hurt. BARON advised that he has always tried to get along with these people and that, as a matter of fact, he used to see RAYMOND PATRIARCA and get an "OK" before he made most of his moves. Since they killed three of his friends, however, (THOMAS J. DE PRISCO, ARTHUR C. BRATSOS and JOSEPH W. AMICO) and stole $70,000 from him (This is in reference to the money allegedly in BRATSOS' possession when he was murdered), he had made statements that he was going to kill several of them. BARON said that after thinking the entire situation over, he realized that he could not possibly

On 3/8/67 at Walpole, Massachusetts File # [redacted]

by SA's DENNIS M. CONDON and H. PAUL RICO:pol'b 3 Date dictated

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 24

[redacted]

DMC:HPR:po'b

2

[redacted] BARON, knows what has happened in practically every murder that has been committed in this area. He said that he would never provide information that would allow JAMES VINCENT FIDDMI to "fry" but that he will consider furnishing information on these murders.

[redacted]

Mr. SHAYS. I don't know how they can sleep at night when they do things like that. I think this whole episode is disgraceful. It was one of the greatest, if not the greatest failure in the history of Federal law enforcement.

If there is one institution that the American people need to have confidence in, it's the FBI. I think that 99 percent of the time the men and women of the FBI are honest and courageous, and I don't want to tar the entire organization with the misdeeds of a few. But if we're going to have confidence in our government, we cannot cover up corruption when we find it. It needs to have a full public airing, and that's what we're going to try to start to do today.

I want to thank all of our witnesses for being here, and I will now yield to my colleagues for opening statements. Do you have an opening statement, Mr. Tierney?

[The prepared statement of Hon. Dan Burton follows:]

Opening Statement
Chairman Dan Burton
Committee on Government Reform
"The FBI's Controversial Handling of Organized Crime Investigations in Boston: The Case of Joseph Salvati"
May 3, 2001

Good Morning. Today's hearing is going to focus on an injustice done by the FBI that went on for nearly thirty years. We're going to hear about a terrible wrong that was done to one man and his family. As terrible as this story is, it's only one small part of a much larger picture.

I've always supported Federal law enforcement. I've been a strong supporter of the FBI. Over the years, I've worked with Director Freeh on a number of issues. I think he's done a terrific job, and I'm sorry to see him leaving this summer. I think that, on the whole, the FBI has done great work protecting the people of this country.

But we are a nation of laws and not of men. In this country, no one is above the law. If a Federal law enforcement agency does something wrong, they have to be held accountable.

That's why we held hearings on the DEA last December. I have a lot of respect for the men and women of the DEA. They have a tough job, and they do it well. But there was a very important drug investigation in Houston. It was shut down because political pressure was brought to bear. And then the head of the Houston office came up here and misled the Congress about it. That can't be tolerated.

And what the FBI did in Boston can't be tolerated.

We're going to hear today from Joseph Salvati. Joe Salvati spent 30 years in prison for a murder he didn't commit. It was a death penalty crime. He went to prison in 1968. He had a wife and four children. His oldest child at the time was 14. His youngest was 6. He wasn't released from prison until 1997.

The reason Joe Salvati went to jail was because an FBI informant lied about him -- which is terrible.

But the reason that he stayed in jail was because FBI agents knew that their informant lied and they covered it up -- and that's worse.

Documents we've received show that this case was being followed at the highest levels of the FBI in Washington. J. Edgar Hoover was kept informed on a regular basis. It's hard to believe he didn't know about this terrible injustice.

The informant who put Joe Salvati in prison was Joseph "The Animal" Barboza. He was a contract killer in Boston. He was also a prized FBI informant. He was considered so valuable that they created the Witness Protection Program to protect him.

Most of the evidence now indicates that Joseph Barboza and his associates planned and executed the murder. Barboza pointed the finger at Joe Salvati because Salvati owed him four hundred dollars. Because of four hundred dollars, Joe Salvati spent 30 years in prison.

Joe Salvati and his wife Marie are going to testify today. I want to express to both of you how deeply sorry we are for everything that was taken away from you and your family. And I want to thank you for being here today.

Joseph Barboza was a criminal. You'd expect him to lie. But the FBI is another story. They're supposed to stand for the truth. The FBI had a lot of evidence that Joe Salvati didn't commit that crime, and they covered it up.

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But that wasn't the end of it. In the 1970s, Barboza tried to recant his testimony. The FBI pressured him not to do it. Mr. Barboza's lawyer was F. Lee Bailey. Mr. Bailey is going to testify today about what happened.

Mr. Bailey told the Massachusetts Attorney General's office that his client had lied and the wrong man was in prison. He was ignored. Mr. Bailey asked Joe Barboza to take a lie detector test to make sure he was telling the truth this time. Barboza was in prison at the time on

a separate offense. When the FBI got wind of this, they went to the prison and told Barboza not to take the polygraph and to fire his lawyer, or he'd spend the rest of his life in jail.

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Flemmi to 'fry' but that he will consider furnishing information on these murders."

Mr. Rico and Mr. Condon had lots of evidence that Flemmi was in on the Deegan murder. They knew that Barboza wouldn't incriminate Flemmi. Yet they stood by while Barboza protected his partner and put Joe Salvati in a death penalty crime. I don't know how they can sleep at night.

I think this whole episode is disgraceful. It's the greatest failure in the history of Federal law enforcement. If there's one institution that the American people need to have confidence in, it's the FBI. I think that 99% of the time, the men and women of the FBI are honest and courageous. I don't want to tar the entire organization with the misdeeds of a few. But if we're going to have confidence in our government, we can't cover up corruption when we find it. It needs to have a full public airing. That's what we're going to try to do today.

I want to thank all of our witnesses for being here, and I yield to Mr. Waxman for his opening statement.

Mr. TIERNEY. Thank you, Mr. Chairman. I have some opening remarks. First of all, I think what happened to Mr. and Mrs. Salvati is just a disgrace. I look forward to hearing your comments today and know that this is hopefully just the beginning of what we're going to do with this. I think it is important to get your remarks on the record and to talk about some of the things we will discuss today. This is not in any sense of the way a partisan hearing, and that is a good thing for this hearing, but I hope we use this as a basis to go forward and talk about the FBI's practice of using confidential informants and what that means for the future.

I know that we've been asked for the present to not delve in that area too deeply because it would interfere supposedly with the Justice task force work that is going on. But I don't think we can allow that to go neglected, and I hope this sets just the foundation for inquiring as to what that practice is, what the FBI intends to do going forward, and whether or not they have a set of proper procedures so we do not see this case of disgrace happen again.

Mr. Garo, I just want to say I think you are a credit to the legal profession for what you did, and I thank you for that. I know that there are other lawyers, some who will join us today and others in the profession that do that. I think you shine to the public on that and you let the public know there are good lawyers out there who do the right thing for people.

My remarks to the Salvatis are that it is shameful what you went through, I think, Mrs. Salvati, particularly of your strength and your support, and I am glad things are working for a change. I don't know how it is that society will make it up to either of you and your family for what went on. But I appreciate and thank you very much for participating in today's hearing, and hopefully some good will come of this in terms of going forward. Thank you.

Mr. BURTON. Thank you, Mr. Tierney. I might point out Mr. Tierney made reference to it, but Mr. Garo worked pro bono for 25, 30 years trying to get Mr. Salvati exonerated, and that is really something.

Mr. Shays.

Mr. SHAYS. Thank you, Mr. Chairman. Thank you so much for holding these hearings. Under our Constitution, we are a Nation founded to secure the blessings of liberty. The power we have in government to take away a citizens liberty, strictly prescribed by the bill of rights and is vested only in those sworn to enforce and uphold the law. Yet before us today is Mr. Joseph Salvati, a citizen whose liberty was stolen from him for 30 years by his own government.

So profound an injustice is almost unimaginable. But it takes very little imagination to reconstruct the sordid saga of official malfeasance, obstruction, brutality and corruption that brings us here this morning. In this tragic tale, ends justified means, cascading down a legal and ethical spiral until both the ends and means became utterly unjust. Protecting criminals in the name of catching criminals, agents of the Federal Bureau of Investigation [FBI], became criminals, willing accomplices in the problem they have set out to solve, organized crime.

Thomas Jefferson said, the sword of law should never fall but on those whose guilt is so apparent as to be pronounced by their

friends as well as foes. Only Joe Salvati's foes pronounced his alleged guilt for a crime sworn law enforcement officers from the Director of the FBI to the local police knew he did not commit.

Solely on the basis of false testimony from a known killer, Joseph "the Animal" Barboza, with conclusive exculpatory evidence suppressed and ignored, an innocent man faced the death penalty; the death penalty. Because he made the mistake of borrowing money from a thug, local, State and Federal law enforcement officers joined the thug in a criminal conspiracy to take Joseph Salvati's life. And they did, 30 years of it; 30 years. A generation.

His young wife, Marie Salvati, suddenly on her own, raised a family. She visited her husband every week. Their four children, then ages 4, 7, 9 and 11 grew up seeing their only father in prison. Birthdays, first communions, proms, graduations, weddings, the birth of grandchildren, priceless events in the life of a family, forever denied him because the FBI considered his freedom an acceptable cost of doing business with mobsters.

The Reverend Martin Luther King, Jr. observed that injustice anywhere is a threat to justice everywhere. Joseph Salvati is not here today because of a local ethnic turf battle between Boston's Irish and Italian gangs who corrupted a few rogue FBI agents. Joseph Salvati is here today after spending 30 years in prison because he is the victim of a corrupted State and Federal criminal justice system. The protection of confidential informants by law enforcement in what can amount to a nonjudicial street immunity and an official license to commit further crimes is a national practice and national problem.

The Federal Witness Protection Program was created to shield the same man who falsely accused Joseph Salvati. The tentacles of Joseph "the Animal" Barboza, FBI's protected criminal, stretched well beyond Massachusetts, from Connecticut to California. New Federal guidelines on the use of informants might help prevent the abuses that put Joseph Salvati in prison. But they will not necessarily break the self-justifying protective culture of some law enforcement agency that allow this gross miscarriage of justice to occur and to persist for 30 years. Only an official apology from the FBI will do that; only compensation from the State of Massachusetts and the Federal Government will do that. Only bringing those responsible before the bar of justice they swore to defend, but betrayed will do what must be done to right this wrong.

Mr. and Mrs. Salvati, thank you for being here. As a fellow citizen of a land that holds liberty sacred, let me say that I am profoundly sorry for what has happened to you. We can never replace what has been taken from you, but we are grateful for your openness and your willingness to share what you have. Your story of faith, incredible faith, Marie, incredible faith, family, your story of faith, your story of family, your story of courage and perseverance is a gift to your Nation, and we cherish it.

Your testimony will help ensure no one else has to endure the outrageous indignities and injustices you, Mr. Salvati and your family, Marie, and your family have suffered.

Mr. Garo, let me say something to you. You are a hero. You are an absolute hero, and you share that with some in the press who wrote this story up for years and years and years. I have just wished we heard it sooner.

[The prepared statement of Hon. Christopher Shays follows:]

DAN BURTON, INDIANA
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Statement of Rep. Christopher Shays
May 3, 2001

Under our Constitution, we are a nation founded "to secure the Blessings of Liberty." The power of government to take away a citizen's liberty is strictly proscribed by the Bill of Rights and is vested only in those sworn to enforce and uphold the law.

Yet before us today is Mr. Joseph Salvati, a citizen whose liberty was stolen from him for 30 years by his own government. So profound an injustice is almost unimaginable.

But it takes very little imagination to reconstruct the sordid saga of official malfeasance, obstruction, brutality and corruption that brings us here this morning. In this tragic tale, ends justified means, cascading down a legal and ethical spiral until both the ends and means became utterly unjust. Protecting criminals in the name of catching criminals, agents of the Federal Bureau of Investigation (FBI) became criminals, willing accomplices in the problem they set out to solve - organized crime.

Thomas Jefferson said, "The sword of the law should never fall but on those whose guilt is so apparent as to be pronounced by their friends as well as foes." Only Joseph Salvati's foes pronounced his alleged guilt for a crime sworn law enforcement officers – from the Director of the FBI to the local police – knew he did not commit.

Solely on the basis of testimony from a known killer, Joseph "The Animal" Barbosa, with conclusive exculpatory evidence suppressed and ignored, an innocent man faced the death penalty. Because he made the mistake of borrowing money from a thug, local, state and federal law enforcement officers joined the thug in a criminal conspiracy to take Joseph Salvati's life.

Statement of Rep. Christopher Shays
May 3, 2001
Page 2 of 2

And they did – 30 years of it. Thirty years. A generation. His young wife, suddenly on her own, raised a family. She visited her husband every week. Their four children, then ages 4, 7, 9 and 11, grew up seeing their father only in prison. Birthdays, first communions, proms, graduations, weddings, the birth of grandchildren – priceless events in the life of a family – forever denied him because the FBI considered his freedom an acceptable cost of doing business with mobsters.

The Rev. Martin Luther King, Jr. observed that "Injustice anywhere is a threat to justice everywhere." Joseph Salvati is not here today because he is the victim of a local ethnic turf battle between Boston's Irish and Italian gangs who corrupted a few rogue FBI agents.

Joseph Salvati is here today, after spending 30 years in prison, because he is the victim of a corrupted state and federal criminal justice system. The protection of confidential informants by law enforcement, in what can amount to non-judicial street immunity and an official license to commit further crimes, is a national practice and a national problem.

The federal witness protection program was created to shield the same man who falsely accused Joseph Salvati. The tentacles of Joseph "The Animal" Barbosa's FBI-protected criminality stretched well beyond Massachusetts, from Connecticut to California.

New federal guidelines on the use of informants might help prevent the abuses that put Joseph Salvati in prison. But they will not necessarily break the self-justifying, protective culture of some law enforcement agencies that allowed this gross miscarriage of justice to occur, and to persist for 30 years.

Only an official apology from the FBI will do that. Only compensation from the State of Massachusetts and the federal government will do that. Only bringing those responsible before the bar of justice they swore to defend, but betrayed, will do what must be done to right this wrong.

Mr. and Mrs. Salvati, thank you for being here. As a fellow citizen of a land that holds liberty sacred, let me say I am profoundly sorry for what has happened to you.

We can never replace what has been taken from you, but we are grateful for your openness and your willingness to share what you have. Your story of faith, family, courage and perseverance is a gift to your nation, and we cherish it. Your testimony will help ensure no one else has to endure the outrageous indignities and injustices you and your family have suffered.

Mr. BURTON. Thank you, Mr. Shays. With the approval of the committee, I would like to read one paragraph from the statement of FBI Director, Louie Freeh, we just received this this morning. It says,

> The allegations that have been made concerning the circumstances of Mr. Salvati's conviction and 30-year incarceration speak directly to the need for integrity and commitment in the pursuit of justice under the rule of law. These allegations that the law enforcement personnel turned a blind, including the FBI, eye to its exculpatory information and allowed an innocent man serve 30 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 30 years ago to prevent us from doing now what is right and what must be done to ensure justice is ultimately served.

I would like to insert into the record the rest of his letter. With that we'll go to Mr. Kucinich and then to you, Mr. Delahunt.

[The information referred to follows:]

MAY-03-2001 09:51 OPCA FRONT OFFICE

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.

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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.

Mr. KUCINICH. I yield to Mr. Delahunt.

Mr. BURTON. Mr. Delahunt.

Mr. DELAHUNT. Thank you, Mr. Chairman; and I applaud you for initiating these hearings.

I just want to associate myself with the remarks of Mr. Shays. I think, Mr. Salvati and Mrs. Salvati, that his eloquence, his obvious emotion really reflect the sentiment of everyone on this panel and I am sure most Americans. I want to congratulate my colleague from Connecticut for seeing it as it is.

I recently read a newspaper piece describing your story, Mrs. Salvati; and in that story you have indicated that no one ever had said sorry to you. You have heard that here today, and let me also state my profound sorrow for what you experienced.

And, Mr. Salvati, you should know that you and your family and your splendid attorney are making a real contribution to the United States. As Mr. Shays indicated, justice is something very special in a democracy; and your testimony and your story has opened up many, many eyes. We thank you for that and also express profound sorrow for what you experienced.

And, yes, Mr. Garo, you are a hero. I am proud that I am an attorney, that we belong to a profession that represents often, often those causes that are so unpopular, but that are so righteous. In this particular case, I am confident that if it had not been for the literally tens of thousands of hours that you have spent on this case, your persistence, your perseverance, that Joe and Marie Salvati would have never been reunited and that this injustice never would have been redressed. You are a hero.

Victor, we met recently in your office. You provided the muffins and the coffee. You know my background, that I served as the district attorney in the metropolitan Boston area for more than 21 years.

I would be remiss at this point in time not to note at this point on the second panel two of America's finest lawyers will also testify, Mr. Bailey, Mr. Balliro. All of you reflect such great credit on our profession. In an era when sometimes attorneys are held in low esteem, you represent the very best.

Let me conclude, Mr. Chairman, by thanking you for allowing me to participate in this hearing.

I know my two other colleagues from Massachusetts who served with me on the Judiciary Committee, Mr. Meehan and Mr. Frank, will also be here during the course of the hearing.

Also, let me indicate that I have been informed that Mr. Waxman, who is the ranking Democrat on this committee, is tied up with a hearing in the Commerce Committee dealing with the issues of energy in California; and since he represents California he will obviously be there for a considerable portion of this hearing. But I do have a statement that I have been asked to submit into the record on behalf of Mr. Waxman.

Mr. BURTON. Without objection, so ordered.

[The prepared statement of Hon. Henry A. Waxman follows:]

Statement of Rep. Henry A. Waxman
Hearing on "The FBI's Controversial Handling of Organized Crime Investigations in Boston"
May 3, 2001

I'd like to welcome Joseph and Marie Salvati, Victor Garo, and our other witnesses who agreed to testify later today. I am pleased to say that this is not a partisan hearing. It is a hearing about an enormous failure in our justice system that took 30 years from a citizen, Joseph Salvati, and his family.

In 1968, Joseph Salvati and five others were tried for the 1965 murder of Edward Deegan in Chelsea, Massachusetts. The Commonwealth of Massachusetts sought the death penalty against Mr. Salvati. Mr. Salvati and others in the case were convicted on the uncorroborated testimony of Joseph Barboza and sentenced to life without parole. He served 30 years until the Governor of Massachusetts commuted his sentence in 1997. The Suffolk County District Attorney later sought to set aside the conviction and decided not to take further actions against Mr. Salvati. This happened after a Justice Department task force released FBI documents tending to show that Joseph Barboza framed Mr. Salvati to settle a personal grudge.

These documents, which I'm sure will be discussed at length during the course of this hearing, show that FBI agents in Boston knew or had very good reason to know that Mr. Salvati was being framed. But the FBI in Boston failed to disclose important evidence to the defense that would have cast serious doubt on the government's theory of prosecution in this case. The documentary evidence suggests that case agents wanted to protect the identity of confidential witnesses who were valuable to the FBI's investigation of organized crime figures in New England.

This hearing raises serious questions, not only about what happened in the case of Joseph Salvati, but about how the FBI handles its relationships with confidential informants. The Justice Department, which is conducting an active criminal investigation in this area, has asked that we not delve into matters beyond Mr. Salvati's case so as not complicate the ongoing work of its Justice Task Force. I am sensitive to that concern, but I think these questions need to be examined at an appropriate time and in an appropriate manner.

Finally, I am aware that Victor Garo, Mr. Salvati's attorney, has worked tirelessly on this case for over 25 years without compensation. I would just like to acknowledge Mr. Garo and say that his work on this case is a credit and an example to the entire legal profession.

Thank you all for appearing here today. I look forward to hearing your testimony.

Mr. BURTON. We will now go to Mr. Barr, but, before we do that, let me just thank Mr. Shays for being so diligent in bringing this to the committee's attention and making sure we had this hearing. If it hadn't have been for all of his hard work, we wouldn't be here today.

Mr. SHAYS. You were not a hard sell.

Mr. BURTON. Mr. Barr.

Mr. BARR. Thank you very much, Mr. Chairman, for not only convening this hearing today but also for the outstanding work of the staff. They have, over the past weeks, put in tremendous effort in both quality and quantity of effort, and I appreciate very much the dedication of Mr. Wilson and his fine staff in pursuing this evidence.

I appreciate your reading into the record part of the letter from FBI Director Freeh. He makes reference in his letter to the case earlier this week in Birmingham involving the civil rights bombing where four little girls were killed many years ago. Just in that case, the inference of those who would not let injustice sleep as in this case, even though very, very late and after a tremendous injustice has been done, at least some folks have stepped forward, including yourself and Mr. Shays and our witnesses here today and others, to try and see that at least at some point, at some level justice is done.

While this, the letter from the Director, is important, I would like to refer also to the very last sentence of Director Freeh's statement in which he says that he looks 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.

We certainly look forward to working very closely with the FBI, even though Director Freeh is leaving; and we certainly wish him well. We have tremendous regard for him. We hope that his successor is equally committed to pursuing this case so that all vestiges of it are aired.

The purpose of it, as you have indicated, Mr. Chairman, go far. I don't understand simply the injustices that were done to this family, these individuals, that alone would justify this action. But it's important that we also recognize that, in trying to correct the injustices in this case, we are taking some steps to ensure hopefully that similar cases will not arise in the future, both through the example of these hearings and, hopefully, further action by the Federal Government and the local authorities in directing these injustices but also perhaps through looking at legislation, perhaps looking at legislation too, that deals with how informants are dealt with by the government.

We certainly recognize that the use of informants is an essential law enforcement tool, but it must be done within the bounds of the Constitution, the same as all the other things law enforcement does.

So this hearing today is not certainly the end of either correcting the injustices in this case, nor is it looking at the ways—the very specific ways, Mr. Chairman, that we can help ensure that these kind of things will not happen in the future, if not through legislation then certainly policy changes at a bare minimum.

Thank you, Mr. Chairman, for convening this hearing and for the work of the staff; and I want to testify, beginning here, thank very much the witnesses here today and for what they represent. Thank you.

Mr. BURTON. Thank you, Mr. Barr.

Mr. Kanjorski—or did you want to make a comment? Mr. Kucinich.

Mr. KUCINICH. Thank you very much, Mr. Chairman, members of the committee, to the Salvati family.

Franz Kafka once wrote a book called "The Trial" in which an individual was prosecuted, didn't even know why. I don't think that Franz Kafka, even with his great skills as a writer, could have countenanced the kind of trial and tribulations that Mr. Salvati and the Salvati family had to go through for decades.

The scriptures say that blessed are they who suffer persecution for justice's sake. The persecution of Mr. Salvati is a cautionary tale about the American justice system, and it shows the importance of attorneys who are willing to support the cause of justice without failing, without flagging but with persistence, with integrity, with the willingness to take a stand. It shows the quality of character of a family whose name was smeared, who endured trials that are of biblical proportions and yet who today come before this committee of the U.S. Congress fully vindicated and standing for all of America to see as a family in triumph, with a wonderful name as a family whose name will always be remembered for its perseverance, for its endurance and for its love of country. God bless you.

Mr. BURTON. Thank you, Mr. Kucinich.

Mr. Horn.

Mr. HORN. Mr. Chairman, I commend you for holding this hearing and withhold any comment for the question and answer period.

Mr. BURTON. Mr. Horn, thank you.

Mr. Kanjorski, do you have any comment?

Mr. KANJORSKI. No.

Mr. BURTON. Mr. LaTourette.

Mr. LATOURETTE. Thank you, Mr. Chairman. I will be, I think, brief.

There is no doubt in my mind, as I look at this case and others, that back in the 1950's and 1960's organized crime was a scourge upon the landscape of America; and it isn't surprising to me that law enforcement used ordinary and extraordinary measures to bring those who would rape, murder and extort others to justice.

However, as Mr. Delahunt has mentioned and others I think will mention, prosecuting officials, be they enforcement or prosecuting attorneys, have a different responsibility than the defense attorney or those lawyers who are hired as advocates. Those individuals are bound by ethical considerations and confidentialities. But a lot of people who get into the business of prosecuting and law enforcement think it's about winning and whether or not you can rack up a conviction. It's not. It's about doing justice.

I have always believed prosecuting officials have a higher responsibility than others who engage in the practice of law. I think the saying is, the power to indict is the power to destroy. Simply by taking a good person to the grand jury and causing an indictment

to be issued with faulty evidence, let along convicting and placing that person in prison, you can ruin literally a person for life.

That is why, built into the system are a number of safeguards, beginning with the Brady decision in the 1960's. The Federal rules and I think State rules have something known as rule 16 that indicate that prosecuting officials have a responsibility and a duty to hand over exculpatory materials so that all facts are known when a jury or judge makes a consideration as to a defendant's guilt or innocence.

If this hearing develops the facts that we believe they will over the next few hours, this represents a failure of the system. It represents a failure of the responsibility of the prosecuting officials involved. It represents a failure of ethics; and, more basically, it represents a failure of human decency to those who have been involved. And I am glad you are here, Mr. Salvati.

Thank you.

Mr. BURTON. Thank you, Mr. LaTourette.

Mr. Frank.

Mr. FRANK. Mr. Chairman, along with my colleague, we very much appreciate the initiative you have taken of having this hearing. I hope there will be further hearings here and in the Judiciary Committee because I think we have a very serious problem of abuse by law enforcement. Abuse that is the result of good motivation and a desire to do good is also abuse. It is clear by what has been brought out by Judge Wolf in Boston, by the media, that some agents in the FBI violated their oath and, in fact, perpetrated injustice, having started out to bring justice to people.

My view is that it is unlikely that what we are now dealing with, either here or in the case that Judge Wolf talked about, are isolated instances. The nature of bureaucracy is such that it is not at all persuasive to me that these are the only instances of this. So I think we need a systematic investigation so that the important essential and very well-performed work of the FBI in general is not called into question by a certain pattern of actions by a few people that causes problems. I think it is important for us to find out what and how high up people in the FBI knew and what they did about it. So I appreciate your giving us the chance to begin this.

I will now apologize for the fact that the Housing Subcommittee, which I am the senior ranking Democrat, is meeting simultaneously down the hall, so I will be in and out. But I leave with the confidence that my colleague from Massachusetts, my former State legislative colleague who spent more than 20 years as a first-rate prosecuting attorney in Massachusetts and has a good deal of first-hand information about this, will be here. Because this is a matter about which I have a great deal of confidence in his judgment and his knowledge.

But I do appreciate your beginning this process, and I think it is very important for us in the nature of the integrity of law enforcement to do a very thorough study to why this sort of event happened, again growing out of the zeal to do right. But just because bad things were originally motivated by the zeal to do right does not in any way justify them or mean that they should be overlooked.

I will say that, in closing, that I have been disappointed over a series of events in what seems to me an unwillingness on the part of the FBI to be self-critical. We still have the Wen Ho Lee case where an FBI agent admittedly gave false testimony in court that was material to the outcome that led to a man's confinement in part. That happened well over a year ago. The FBI still has not dealt with that.

So I appreciate your being willing, Mr. Chairman, to take this on.

Mr. BURTON. Thank you, Mr. Frank.

Mrs. Davis. No opening statement?

If not, I think we have covered the panel.

Mr. and Mrs. Salvati and Mr. Garo, would you please rise to be sworn.

I'm sorry. Mrs. Morella, do you have an opening statement?

Mrs. MORELLA. No opening statement.

Mr. BURTON. Would you please rise?

[Witnesses sworn.]

Mr. BURTON. I guess we will start with Mr. Garo. Would you like to make an opening statement? Then we'll go to Mr. Salvati and Mrs. Salvati.

STATEMENTS OF VICTOR J. GARO, ATTORNEY FOR JOSEPH SALVATI; JOSEPH SALVATI; AND MARIE SALVATI

Mr. GARO. Thank you, Mr. Chairman.

At the very outset, I would like to thank you, Mr. Chairman, and the members of your committee for holding this hearing and with the promise of other hearings, because it is a story that has to be told. We live in America, not Russia.

In trying to find the opening remarks that I wanted to say, I thought very deeply as to how I wanted to begin; and I would like to begin as follows, if I may, Mr. Chairman: With liberty and justice for all. Those are famed words from our Pledge of Allegiance to our flag. Many dedicated men and women gave their lives for those words. Those words are the foundation of our country.

However, the FBI's investigation and participation in the Deegan murder investigation has made a mockery of those words. The FBI determined that the lives of these people were expendable; that the life of Joe Salvati, my friend and client, was expendable; that the life and future of his wonderful wife and my friend, Marie, was expendable; and that the four young lives of their children, at the time ages 4, 7, 9 and 11, were expendable.

From the very beginning, I said, no, they were not expendable. I don't believe a life is expendable.

What has gone on here, and as you will find out from the evidence as presented and the herculean efforts of counsel and his staff of putting together these documents, that this is probably the most classic example of man's inhumanity to man.

We are a system of laws. We are supposed to be a system of justice. Only justice failed Joseph Salvati, justice failed Marie Salvati, and justice failed their four young children.

As was just indicated, the FBI has always had a gloried background. What happened here in the big view of what was going on I think is important to understand.

The FBI determined that it was important to bring down organized crime in the Northeast area. At that time, the alleged organized crime figure in Massachusetts was Mr. Angiulo. The alleged organized crime boss of the New England crime family was allegedly Raymond Patriarca. In the Deegan murder investigation there was the right arms of Mr. Angiulo and Mr. Patriarca and other people that they wanted off the street. And with one witness, Joseph "the Animal" Barboza, who gave uncorroborated testimony in three cases, the government had what they wanted. The Federal Government had what they wanted. They wanted the press and the recognition that they were crime fighters, and based on that premise they issued propaganda to the press and to anyone who would listen to them.

There's more than just an apology that should be made to my clients. There is an apology that should be made to the citizens of the United States and to the premises of the United States. Because you were all taken in by the name of the FBI. It was more important to the FBI that they protected their prized informants than it was for innocent people not to be framed.

The truth be damned. It didn't matter, the truth. We want convictions. We don't care what happens to Joe Salvati. We don't care what happens to Marie Salvati. We don't care what happens to their four young children.

I care. I have cared for over 26 years.

The entire saga here can be summed up like this: The FBI determined who got liberty, the FBI determined who got justice, and justice was not for all. It was for they who determined that justice was for.

What Constitution? What Bill of Rights? What human rights? What human decency? We're the FBI. We don't have to adhere to those principals so long as we have good press and so long as we get convictions. That will show that the ends justify the means.

Many defense lawyers like myself have through the decades fought difficult battles because the whispering campaigns would begin, such as, yeah, right, Salvati is innocent? He comes from the north end, you know what I mean? Right.

The mere fact that they were the FBI and those are the type of comments that they would make, it was all done with a purpose in mind so that the press that is here today would not get involved with the stories. They didn't want anyone investigating the investigators. Because they couldn't pass the smell test of honesty. No human rights, no human decency.

From the evidence that you will have before you, Mr. Chairman, and the evidence that I have, I believe it allows me to say the following: It is my opinion that J. Edgar Hoover, former Director of the FBI, conspired with FBI agents to murder Joseph Salvati. The manner of means by which that murder was to be committed was by way of an indictment on October 25, 1967 where the penalty was death by the electric chair.

J. Edgar Hoover knew the evidence of his prized informants, and he allowed Barboza to commit perjury in that first degree murder case. In my opinion, the date of October 25, 1967, will go down in the annals of the FBI as their day of infamy. Because it was on

that day that the Director of the FBI crossed over the line and became a criminal himself.

Mr. Chairman and members of the committee, we're not here to paint with the same brush all of the FBI and agents of the FBI or law or law enforcement. Because they do a good job. Because we need them to protect us from those that would harm us.

But they who are under sacred oath and trust of allegiance to our country have to be accountable for their actions. And it isn't just the role of a few. It was known from the agents to those who were in charge of the Boston office of the FBI and with the evidence that you have that J. Edgar Hoover himself knew exactly what was going on. The truth be damned. Convictions are what we want.

What has been very worrying to my clients, who are my friends, is that there is a complete denial in the Boston office of the FBI that they have done anything wrong. Now the flip side of that argument would be, we haven't done anything wrong, so therefore we're going to continue and keep doing the same things over and over.

That's unacceptable to us. In saying those words, they are trivializing my client's 30 years in prison. They are trivializing his wife's 30 years without a husband. They are trivializing the four young children growing up without the love and companionship of their father. And we won't allow that to happen.

When did the FBI stop having a heart? When did our justice system stop caring for our citizens? When did they stop caring about a loving family being broken apart?

On the date of January 30, 2001, Mr. Chairman, I was asked by many reporters, you must feel very vindicated, Mr. Garo, and you must feel very happy that your client has walked out a free man. And it was just the contrary, Mr. Chairman. It was a very sad day in my life.

Because everything that I had been saying for all those years, 26 of them, came to be true. That means that the government stole my client's life for 30 years, his wife's life for 30 years and the children's lives for 30 years. The FBI acted like a god. They determined liberty and justice for all. Not our justice system. The FBI.

In closing, I would like to just make some examples of the emotional part of this case.

I used to have meetings, Mr. Chairman, with my client's children and Mrs. Salvati. I would meet with them every 3 or 4 months to bring them some type of hope. Because H-O-P-E, those four letters, that's all they had. They had this fat bald guy. That is all they had to try to explain, we'll try a new way to do it. We'll find another door maybe we can open. We will find another way. Maybe we can do this. But we'll do it.

I said to the son, Anthony, the youngest of the children, in one of our meetings, I said, Anthony, when I get your dad home, you're going to say I created a monster. Because he's going to follow you around, and he's going to want to know everything you have done. Anthony is a rather emotional young gentleman, and gentleman he is. And he came over, and he sat beside me on the couch, and he said, no, Victor. He says, I have never seen my father get up in the morning, I have never had breakfast with my father in the morn-

ing, I've never taken a walk with my father, and I have never gone to a ball game with my father. I sure do want to do that in the future with my dad.

A second example is their daughter, Sharon. In returning from one of the visits before the trial of her father, she came home and asked her mother and then asked her father, daddy, what's the electric chair? They say you're going to get the electric chair. Are they giving you a present?

Tell me how a father and tell me how a mother explains that to a young child around 8 or 9 years old.

Finally, there is a story about love, commitment and devotion, of good people. When I used to visit Marie Salvati and her children at home, small one bedroom apartment, I always used to see a card on top of the TV stand, on top of the TV; and I saw it many times. I never asked a question, but I always noticed when I got there it was always a different card. I said one time, Marie, can I go over and look at that card? She said, yes, Victor.

Mr. Chairman, I have to say to you that when I went there and I saw it, a tear came to my eye. Because she never, ever mentioned this to me for decades, and neither did my client. How Joe and Marie kept their love and life together was by small, little things. Every Friday Marie Salvati would receive from her husband beautiful love cards. And inside those cards was always a statement of Joe Salvati to his wife. What else can I say? I love you. I love you. I have everything. I miss you, and I love you, Joe.

Marie Salvati has said to me, Mr. Chairman, that sometimes her life has been lived in a shoe box. Mr. Chairman and members of the committee, they have several shoe boxes of all the cards that she has saved over the years of his incarceration.

I bring those out, Mr. Chairman and members of committee, and I know maybe I have taken a little bit more time, and I'm sorry. But these are stories that people don't want to have told. They don't want you to understand the pain and the suffering that this family has endured. It is inhuman.

So I say to you, Mr. Chairman, in closing, that I think when you have this hearing and the other hearings that you're going to conduct, I have an opinion. It came true in the Joe Salvati case, and I have an opinion that I would like to share with you, Mr. Chairman and members of committee.

It is my opinion, when you discover all of the evidence in this case and the hearings, that you are going to hold that this is a scandal that is bigger than Watergate. It is broader than Watergate. It deals with people's lives, whether they get killed or not killed. It depends on whether you go to jail or not to jail. They determined, as God, who lived, who died and who went to prison. Out of control. That's what was happening in four decades in Boston.

So I say, Mr. Chairman, that I cannot thank you enough for allowing us to come here today to share with you our thoughts and evidence. God bless you.

Mr. BURTON. Thank you, Mr. Garo.

I understand you have a chronology of events that you want to go into. Why don't we have Mr. Salvati and Mrs. Salvati make a statement, and then we'll come back to you. And if you could quickly go through the chronology I would appreciate it.

[The prepared statement of Mr. Garo follows:]

May 3, 2001

Remarks - Victor J. Garo

At the very outset, on behalf of Joe Salvati, his wife Marie and their four children, as well as myself, I want to thank this Committee for holding this hearing. We believe that this is a story that should be told. It is a story of power, ego and greed. It is also a story of love, devotion, and commitment of a family who stayed strong together through a nightmare. It is also an emotional story, as you will find out.

I first met Joseph Salvati in 1976. I had a client who was serving prison time and he asked me if I would come down to talk to an inmate who needed a lawyer. On a rainy, dreary day, I met Joe Salvati. He told me the facts upon which he was convicted, and I felt right away that something was wrong with the conviction. Before I took the case, I did my own research and found that the facts were as he stated. His family gave me a retainer to help him win his freedom. After a short period of time, I learned that the family did not have much money so I returned the retainer, and told them that I would help him for free.

I have spent over 25 years and over 20,000 free hours to help this man and his family. He was not a man of power, position or money, but he was a human being. When I was sworn in as lawyer on November 9, 1965, my Mother and Father were very proud of me and took me to lunch after the ceremony. My Mother had been brought up as an orphan from age 3, and my Dad was born into abject poverty. They both said to me that since I

was now a lawyer, I can help people; don't do it just for the money; the money will come - go help people. My Mother and Father instilled certain values in my life that I have tried to follow.

On January 30, 2001, the charges against Mr. Salvati were dropped and he was able to leave court that day as a totally free person. As you investigate this case you will find that the Federal and State government hid the evidence, asked for the death penalty and the Federal government knew that he was innocent before his indictment. The people that we depend upon to seek truth and justice were violating their sacred oaths and trust. The Federal government determined that it was more important for them to protect informants than it was for innocent people to be framed. The arrogance of power is all too familiar. The government was saying "we know what is best for society". The Federal government determined that Joe Salvati's life was expendable; they determined that Marie Salvati's life was expendable; they determined that the four young children's' lives were expendable. They were not expendable to me.

The date of December 19, 2000 will always stand out in my mind, for it was on that date that Assistant U.S. Attorney John Durham, who is in charge of the Justice Task Force investigating criminal activities FBI agents, came to my office and handed me certain evidence that has literally shocked those who have seen it or heard it. From the evidence I received that night, it can be argued that J.Edgar Hoover and FBI agents conspired to murder Joseph Salvati. J. Edgar Hoover and the FBI had obtained evidence from one of their prized informants as to how the Deegan murder occurred and who committed it. Notwithstanding this information, Hoover and the FBI allowed Joseph the

Animal Barboza to commit perjury before a Grand Jury on October 25, 1967. The manner and means of the conspiracy to murder Joe Salvati would be by way of this indictment for first degree murder, because the penalty in 1967 for first degree murder was dealt with in the electric chair. The date of October 25, 2967 will go down in the annals of the FBI as their day of infamy, for it was on that date that J. Edgar Hoover crossed over the line and became a criminal himself.

In painting this grim picture, however, we do not paint all FBI agents with the same brush. Indeed, if it were not for the honesty and integrity of the FBI agents and John Durham who found the evidence and turned it over to us, we probably would not be before you today. There are a lot of bad people out there and we need agencies like the FBI to protect us from those who would harm us.

When I first decided to take this case in 1976, many people thought I was crazy because I would have to battle both the State and Federal governments. They said I wouldn't have a chance to do anything in this case. But I kept true to my beliefs and now Joe is a totally free person. Many people have asked why I have represented this family for so long, and for free. As I said at the outset of my statement, this is a case about love, devotion and commitment. Joe Salvati would often call me at my home, and my Mother would speak with him. My Mother was my "home" secretary. My Mother passed away on January 20, 1988, and sometime before she died she stated "I want you to keep representing Joe; I believe he is innocent, just like you and your Father do; promise me that you will stay with him until you walk him of out of jail". True to my promise, and with

the wonderful help of the Massachusetts Department of Corrections, I walked Joe Salvati

out of prison on March 20, 1997. I had kept my promise to my Mother. On that same day, Joe, Marie, my Father and I placed red roses on her grave. I know that she was smiling.

In conclusion, our quest before your committee is a simple one: please use your power and wisdom to enact appropriate legislation of checks and balances so that another family will not have to endure the nightmare and hardships that this family went through.

1. BIG PICTURE: Barboza testified against
   A) Angiulo - alleged head of Mass. organized crime
   B) Patriaca - alleged head of N.E. organized crime
   C) Deegan Murder - right arm of Patriaca and Angiulo
      -killer that they wanted off the streets

2. "Injustice anywhere is a threat to Justice Everywhere"

Mr. BURTON. Mr. Salvati.

Mr. SALVATI. Thank you, Mr. Chairman.

I want to thank this committee for holding this hearing. This is a story that needs to be told so the country can know what awesome power the government has over our lives.

When I was arrested on October 25, 1967, for participating in the Edward "Teddy" Deegan murder, I was devastated. How do you prove that you're innocent? There were constant stories in the media that I was a very bad person and one not to be respected.

The government stole more than 30 years of my life. Just the statement of 30 years in prison can run shivers up and down your spine. My life as a husband and father came to a tumbling halt.

In order to clear my name, it has been a long and frustrating battle. Yet, through all the heartbreak and sometimes throughout the years, my wife and I have remained very much in love. Prison may have separated us physically, but our love has always kept us together mentally and emotionally. Our children have always been foremost in our minds. We tried our best to raise them in a loving and caring atmosphere even though we were separated by prison walls.

More than once my heart was broken because I was unable to be with my family at very important times. However, through love and courage, all of us have battled back through times of adversity. We were strong in bad times, and we are still strong in good times.

I am here to talk about our most precious possession of all: Freedom.

As you know, I have served 30 hard and long years in prison for a crime I did not commit. However, I still consider our justice system to be the greatest system in the world. But sometimes it fails, as in my case. I became a casualty in the war against crime.

The justice system has finally worked for me, although it has taken over 34 years. I wouldn't be here before you today if it weren't for an honest, dedicated assistant U.S. attorney by the name of John Durham. The FBI agents working for him found documents, and these documents were sent to my lawyer. We need agencies like the FBI, because there are many out in the world that want to hurt us; however, when the FBI or any other similar agencies break the law, they must be held accountable for their crimes.

Finally, I'd like to say a few things about my wife. She is a woman with great strength and character. She has always been there for me in my darkest hours. She brought up our four children and gave them a caring and loving home. When God made my Marie, they threw the mold away.

Mr. BURTON. It's OK. Take your time.

Mr. GARO. Mr. Chairman, may I please finish those last two sentences for Mr. Salvati?

Mr. BURTON. Sure.

Mr. GARO. When God made my Marie, the mold was thrown away. I am one of the luckiest men in the world to have such a devoted and caring wife, my precious Marie.

Mr. BURTON. Thank you, Mr. Salvati.

[The prepared statement of Mr. Salvati follows:]

May 3, 2001

Remarks - Joseph Salvati

I want to thank this Committee for holding this hearing. This is a story that needs to be told so that the country can know what awesome power the Government has over our lives. When I was arrested on October 25, 1967 for participating in the Edward "Teddy" Deegan murder, I was devastated. How do you prove that you are innocent? There were constant stories in the media that I was a very bad person and one not to be respected.

The Government stole more than 30 years of my life. Just the statement of 30 years in prison can run shivers up and down your spine. My life as a husband and father came to a tumbling halt.

In order to clear my name, it has been a long and frustrating battle. Yet, through all of our heartbreaking disappointments throughout the years, my wife and I have remained very much in love. Prison may have separated us physically, but our love has always kept us together

mentally and emotionally. Our children have always been foremost in our minds. We tried our best to raise them in a loving and caring atmosphere even though we were separated by prison walls. More than once my heart was broken because I was unable to be with my family at very important times. However, through love and courage, all of us have battled back through times of adversity as a family. We were strong in the bad times and we are still strong in the good times.

I am here today to talk about our most precious possession of all: FREEDOM!!! As you all know, I have served 30 long and hard years in prison for crimes that I did not commit. However, I still consider our Justice System to be the best in the world; but sometimes it fails, as in my case. I became a casualty in the war against crime.

The Justice System has finally worked for me, although it has taken over 34 years. I wouldn't be before you today if it weren't for an honest and dedicated Assistant U.S. Attorney by the name of John Durham. The FBI agents working for him found documents, and these documents were sent to my lawyer. We need agencies like the FBI because there are many out in the world that want to hurt us; however, when the FBI or any other similar agency breaks the law then they must be held accountable for their actions.

Finally, I would like to say a few things about my wife. She is a woman of great strength and character. She has always been there for me in my darkest hours. She brought up our four children and gave them a caring and loving home. When God made my Marie, the mold was thrown away. I am one of the luckiest men in the world to have such a devoted and caring wife. My precious Marie.

Mr. BURTON. Ms. Salvati, do you have a statement?

Mrs. SALVATI. Yes, thank you.

Mrs. SALVATI. Chairperson and everybody here, it's just overwhelming. OK. At the very outset, I want to thank this committee for holding this hearing and for asking us to participate in order that we can tell our story.

From October 25, 1967, the date my husband was arrested, until January 30, 2001, when all the charges were dropped, my life was extremely difficult. The government took away my husband and the father of our four children in 1967. My world was shattered. This wonderful life that we shared was gone. I was looked down upon by many. As we all know, children can sometimes be cruel. Other children in our neighborhood would make fun of the fact that their father had been arrested for murder, and they would taunt some of them and say, shoot you, bang-bang. Your father is going to die; you know, things that would really hurt the family. And my children would come home crying to me. And I did my best to comfort them in bad times, but I had no one to comfort me when my children went to bed. Many a night I cried by myself, and I suffered in silence.

When my husband was arrested on October 25, 1967, I found out that the punishment for the crime was death in the electric chair. That potential sentence weighed heavily on me until he was sentenced on July 31, 1968, and received a life sentence without parole.

The government stole 30 years of my life. I was unable to share with my husband the joys of being a husband and a wife. The government stole 30 years from my children, because they grew up without their father. However, the government was never able to break our spirit. Our love grew stronger, and I always knew my husband was innocent. I know the moral character my husband possessed. I did not accept as my destiny that my husband would never come home again. I always had faith and love.

Our lawyer, Vic Garo, always instilled in us that the glass was half full and not half empty. We gathered strength from this fact and that he believed Joe was innocent from the very beginning of his representation of my husband and my family.

While my husband was in prison, the pact between us was I would not inform him of the problems at home. You know, I used to say to my husband, you take care of yourself on the inside, and I'll take care of the family on the outside.

From the very beginning of imprisonment, I knew that it would be important for the children to have constant contact with their family, with their father. And every weekend, you know, I'd dress up, pack a little lunch, and we'd go off to see him for their hugs and their kisses and whatever went on. And he would give them a father's guidance, even though he was not home with them. Sometimes it took hours to get there, and every time you got there, you were all nervous.

My husband and I have endured many hardships. As we grow older, we still have the cherished feeling that a husband and wife can have. We love each other very much. God bless you all.

[The prepared statement of Mrs. Salvati follows:]

May 3, 2001

Remarks - Marie Salvati

At the very outset, I want to thank this Committee for holding this hearing and for asking us to participate in order that we can tell our story. From October 25, 1967, the date my husband was arrested, until January 30, 2001, when all the charges were dropped, my life was extremely difficult. The Government took away my husband and the father of our four children in 1967. My world was shattered. The wonderful home life that we shared was gone. I was looked down upon by many. As we all know, children can sometimes by very cruel. Other young children in our neighborhood would make fun of the fact that their father had been arrested for murder. They would taunt my children with words and statements such as "bang-bang" your father is a killer"; "your father is going to die"; "your father is never coming home again". My children would come home crying to me and I did my best to comfort them in those bad times. But I had no one to comfort me when I put my children to bed. Many nights I cried myself to sleep.

When my husband was arrested on October 25, 1967, I found out that the punishment for the crime was death in the electric chair. That potential sentence weighed heavily on me until he was sentenced on July 31, 1968, and received a life sentence without parole.

The Government stole 30 years of my life. I was unable to share with my husband the

joys of being a husband and wife. The government stole 30 years from our children's lives, because they grew up without their father.

However, the Government was never able to break our spirit. Our love grew stronger. I always knew my husband was innocent. I knew the moral character my husband possessed. I did not accept as my destiny that my husband would never come home again. I had faith and love. Our lawyer, Vic Garo, always instilled in us that the glass was half full and not half empty. We gathered strength from his strength and the fact that he believed Joe was innocent from the very beginning of his representation of my husband and the family.

While my husband was in prison, there was a pact between us. I would not inform him of problems at home and he would not inform me of any problems in prison. Both of us did our part to keep the family strong and together. From the very beginning of his imprisonment I knew that it would be important for the children to have constant contact with their father. Almost every weekend I would dress up the children and take them to prison so that they would still have their father's guidance, even though he was not at home with them. Sometimes it took almost two hours just to get to the prison for our visits.

My husband and I have endured many hardships since October 25, 1967. But as we grow older together, we still have the most cherished feeling that a husband and wife can have - we lover each other very much.

God Bless all of you.

Mr. BURTON. Let me just say to both of you, Mr. and Mrs. Salvati, this has got to be a very difficult time to bring all of this out, but I'll tell you, it's important for not only the Congress, but the American people to see the emotion and the heartache that you guys had to suffer through for 30 years. And so I apologize for you having to make these statements, but I think you're doing an awful lot of good, because it's going to show the country that we must never allow innocent people to suffer like you folks have.

Mr. Garo, you want to go through that real quickly, the chronology of events?

Mr. GARO. Thank you, Mr. Chairman. As I said in the beginning, it is a very emotional case, and I thank you for allowing us to make those statements.

My representation of Mr. Salvati began in 1976 when I was asked to come down to see him by a client of mine who was in prison. I met Mr. Salvati. It was a dark, dreary, rainy day, and I went down to see him, and he told me the facts upon which that he was convicted. From the very facts he told me, I said, this doesn't seem correct to me. How could you be convicted on those facts?

I then did my own independent investigation, Mr. Chairman, and I found that what he said was so, not that I did not believe him. I just had to check the facts. I agreed to represent him and help him to gain freedom, and they gave me a retainer. Shortly after that, I found out that this family did not have a lot of money. I returned the money back to him, Mr. Chairman, and I said that I would stay with you. It's true, I never thought it would be 26 years later and over 20,000 free hours of my time, but I was brought up that when you make a commitment, you keep a commitment, and I've kept that commitment.

If I may, Mr. Chairman, I'd like to go over just for a few minutes, if I may, about the facts that were told in court by Joe "the Animal" Barboza concerning Mr. Salvati. On or about January 20, 1965, Barboza testified that one Peter Limone offered him a contract for $7,500 to kill one Teddy Deegan. Barboza then said it took from January 20th until March 12, 1965 to put together his death squad. He went around the country, he said, to go get participants in this murder. They were going to do this through a setup, Mr. Chairman, of Mr. Deegan being involved in a breaking and entering in the Chelsea alley of a finance company, and it was supposed to be set up by certain people. Deegan would go in the alley and would be shot to death.

On March 12, 1965, the day of the killing, Barboza in the middle of the afternoon said, Salvati has got to be involved in the killing tonight. As a matter of fact, he's going to be my getaway car driver, and he's going to wear three disguises. He's going to wear a wig to make him look bald. He's going to wear a pair of sunglasses and a mustache. Later that night, at about 7:30, Barboza testified that when he went to the Ebb Tide Restaurant and Lounge, which was a hangout for organized crime, he saw Joe Salvati at the bar, and he said to Joe Salvati, go outside and warm up the car, Joe.

Now, mind you, that night, they did not know if the breaking and entering was going to happen. The murder would depend on whether or not there was going to be a breaking and entering that night. Since they didn't know that was going to happen, no one

knew the time that it would happen or if it would happen, but Joe Salvati is still warming up the car. It's 7:30. At 9 o'clock, Barboza receives the nod from a Roy French, indicating that the breaking and entering was going to take place and that Deegan would be there. That was the signal for Barboza to leave and to go and kill Teddy Deegan.

Barboza goes out to the car sometime about quarter past 9 and gets in and drives the car, tells Salvati to get in the back seat. Barboza then says, we go to the area and we bend the license plates—in those days you had a front license plate and a rear license plate—and they bent it in half to hide their identity. As they were in the car, a person was walking toward them, and Barboza said, I think it's the law. And it was. It was a captain of the Chelsea Police Department. Barboza saw him and said he took off at a high rate of speed. The captain later said that he saw a man in the back seat with a bald head, bald spot, and he was able to find the first three numbers of the license plate, 404.

Barboza then said he went back to the Ebb Tide. He told Joe Salvati, go throw away the guns, throw away the disguises, and meet me in the bar. He then said that he split up the money with Salvati the next day. All that testimony came from Joe "the Animal" Barboza, uncorroborated, no other witness, just him.

Three things that always bothered me, Mr. Chairman, from the first time I ever heard the story: Timing. Why would Barboza hire someone to be involved in a killing that afternoon when it had taken him 2 months to put together his death squad? It didn't make sense to me. Two, he was going to be my getaway car driver. Getaway car driver? Salvati and Barboza never hung with each other, never associated with each other, were not partners. Barboza was a killer. Salvati was never. Barboza was a hit man. Salvati was not. And they knew who Barboza's partners were. Salvati never hung with Barboza, never associated with Barboza, other than a year later when he borrowed $400 from one of Barboza's associates. And we said, wouldn't there be a dry run? Salvati came from the north end of Boston. This was a killing that was supposed to take place in Chelsea, and I said, wouldn't a getaway car driver, at that—want to know the street that you could go up and down? That bothered me, Mr. Chairman.

And the third one is that of all the killers in this case, Salvati had to wear three disguises, and the three disguises were a wig to make him look bald, a pair of sunglasses and a mustache. Now, from what I understand of law enforcement is that the reason why you wear disguises, because everybody knows who you are. Mr. Salvati had one criminal conviction in 1956. He was not known to the police, not known to the Chelsea Police Department, not known to the Boston Police Department as a driver or somebody for Barboza; didn't hang with Barboza. And I said, why would Barboza want somebody to wear three disguises?

Well, now, of course, you know from the evidence that you have seen and that your counsel Mr. Wilson and his staff so ably has put together, you have come to find out that story was all made up and a fabrication. But one thing wasn't a fabrication. They did do a dry run. Can you imagine Mr. Salvati at 7:30 warming up the car, quarter of 8 warming up the car, 8 o'clock warming up the car,

quarter past 8 warming up the car, 8:30 warming up the car, quarter of 9 warming up the car? They didn't know what time this was going to be. That was the best heated car in the world. This could have ran anyplace. They almost ran out of gas. Did that make sense to anybody? It didn't make sense to me.

Now, what is it that has happened? The biggest break in this case happened in 1989 when we were receiving a commutation hearing that took place in August 1989. About 3 weeks before that event, I obtained a copy of a hidden Chelsea Police Department report. In that report it had an informant who mentioned who left the Ebb Tide that night, who went out to do the killing, and then when they came back, he said, we nailed him.

Now, under the law at that time under *Rowe* v. *United States,* if they knew there were informants and that defense counsel would have known it, they could have made a motion for the name of the informant. But, of course, the FBI was protecting informants, because, lo and behold, who were their informants back at that time? I had always said that Barboza was hiding a friend or a close associate. Yeah, Vinny Flemmi was his partner. Vinny Flemmi was bald. Vinny Flemmi had a bigger criminal record than Joe Barboza. He was a killer, a known thug, and known as a driver for Barboza 90 to 95 percent of the time, because he was his chauffeur, because he trusted him.

When I received that report, I then went out and did my own investigation, because I was not an organized criminal defense attorney. Most of my work was in white collar crimes. When I looked at it, I had my investigators go out and check out who these people were. Lo and behold, Mr. Chairman, we find out that one of the men mentioned was Vincent Flemmi. I went out and checked who Vincent Flemmi was. He was bald. I found out his record. I said my God, that's who was there that night. It wasn't Joe Salvati. It was Vincent Flemmi.

When I brought that to the attention of the parole board in 1989, we received the unanimous vote of the parole board. The only problem is, Mr. Chairman, from 1986 to 1989, the FBI told the parole board that my client was going to get indicted, so don't give him a commutation hearing. Four years went by, and they said, don't you understand it's all phony information you're receiving? I appeared in 1989, Mr. Chairman, before the parole board. Mr. Salvati, after the unanimous vote of the parole board, finally gets out on his commutation on March 20, 1997.

Make no mistake about it, the Federal Government and the State government never wanted Mr. Salvati ever to get out of prison, because dead men tell no tales, and we wouldn't be here today before you if they had succeeded. Three of the six, though, have died in prison. Mr. Salvati is here today before you because he survived 30 hard years in prison.

Now, in 1993, Mr. Chairman, I obtained new evidence, and finally I was able to obtain coverage by the press in this case because of an event that occurred on the commutation, Mr. Chairman. On January 20, Governor William Weld at that time denied my client's commutation because of his long criminal record, one criminal conviction in 1956. I said, I need some help. And I did get that help from a reporter back in Boston by the name of Dan Rea,

CBS affiliate, channel 4, WBZ, and he became my advocate through the press of our story. And through the years, he did many, many stories, and we found much, much evidence, as you have here documented before you. But no one wanted to listen to it. No one wanted to see it, because, you know, Salvati, yeah, he's innocent, right, yeah, right, all those words.

In 1997, we obtained a commutation, and probably the most important day in the history of this case occurred in my office, Mr. Chairman, on the date of December 19, 2000. And that was when an assistant U.S. attorney named John Durham, who was in charge of the Justice Task Force in Boston that is investigating criminal activities of FBI agents, called me and said, Mr. Garo, I have some evidence for you. I'd like to come over to your office and see you. He delivered those documents that you have, Mr. Chairman, and it showed a shocking, shocking story that now we know the entire story that Mr. Barboza made up was untrue. When we saw that evidence, Mr. Chairman, it was shocking to me, and I just sat down looking at it.

On January 18, 2001, Mr. Chairman, the Suffolk County district attorneys on its own motion made a motion to vacate the judgment and the sentence and requested a motion for new trial that was allowed. On January 30, 2001, Mr. Chairman, Mr. Salvati walked out of the courtroom a free man for the first time since October 25, 1967.

Mr. BURTON. Thank you, Mr. Garo.

We will now go to questioning. We'll start—Mr. Shays, would you like to start?

Mr. SHAYS. Thank you, Mr. Chairman.

Mr. BURTON. Mr. Shays. We will proceed under the 5-minute rule today, so every Member that wants to ask questions will be able to quickly.

Mr. SHAYS. Mr. Salvati, I love your gentleness, and I love your wife.

Mr. Salvati, has anyone in the government ever told you or your children that they're sorry for what happened to you?

Mr. SALVATI. No, they haven't.

Mr. SHAYS. Do you think people knew all along that you were innocent?

Mr. SALVATI. A lot of people did, yes.

Mr. SHAYS. Mr. Garo, why does this case mean so much to you? You told me a story about your mother. Real short, tell it to us.

Mr. GARO. My mother was brought up as an orphan from age 3, and my father was born into abject poverty. When I passed the bar exam on November 9th, and when I was sworn in as an attorney on November 9, 1965, my mother and father took me to afternoon lunch that day. They were very proud, as I was, about the accomplishment. And my mother and father said to me that day, Congressman, that, look, now that you're a lawyer, you can go out and help people. Go help people. Don't do it for the money. Do it to go help them. The money will come, but don't do it just for the money. And I followed certain values I believe that my mother and father instilled in me.

I had a one-man law office, and the only way that I would keep business was to have personalized service. My mother for years

talked to Joe Salvati, and they became friends over the phone, and my mother knew all the evidence that we had and were trying to do for Joe Salvati. And my mother was very sickly toward the end of the 1980's, and shortly before she passed away, my mother said to me as follows: "No one will represent Joe Salvati in this matter unless you stay with him. So I want you to promise me that you will stay with Joe Salvati until you walk him out of prison."

On March 20, 1997, with the wonderful help of the Massachusetts Department of Corrections, they allowed only two people to walk out of prison that day, and that was Joe Salvati and myself. After we left the prison and went to the parole officer that Joe had to go to, Joe and Marie, my father and myself all went to my mother's gravesite, and I placed roses on her grave, and I said, "Mommy, I kept my promise."

Mr. SHAYS. Thank you for keeping your promise.

Mrs. Salvati, I am amazed at your strength. I am amazed at the love you had for a man who was in prison for 30 years. I would love to know how you did it.

Mrs. SALVATI. You know how I did it. We were always a happy, loving couple, and I wouldn't have it any other way. My family values, my children, it was so important for me to keep it all together. You know, and when I went to visit him, like on the weekends, my children needed the hugs. They needed the kisses from their father. They needed all that stuff. So I tried to put it all together the best I could.

I reevaluated myself, you know, and I put my goals and my objectives, and I feel like I've done the right thing in life. I've worked. I went on to be a program director of the Head Start Program, and, you know, you do what you have to do. And we always believed in his innocence, and it was just, you know, like I said in my opening remarks here, you know, it wasn't hard to do. In a way it wasn't, because we had the love of my husband. I had my family, and I was just a—I don't know. I was driven. It was something that I felt like I could never give up, and that's how I felt about it.

And then, like, 10 years came, and we put in appeals, and then you get some—you know, get some good reports, and then you still have——

Mr. SHAYS. You still kept hope alive?

Mrs. SALVATI. Yes, yes. Never gave up.

Mr. SHAYS. I have other questions, but I won't get to them now.

Mr. Salvati, I want to know about your first attorney. I want to know if you were under a jury trial. I want to know why you didn't win that case in the first time around, and I'll ask that later, but it's not now.

Mr. Chairman, thank you.

Mr. BURTON. Did the gentleman yield his time or——

Mr. SHAYS. I finished.

Mr. BURTON. Oh, you finished. OK.

Mr. Kanjorski.

Mr. KANJORSKI. Thank you very much, Mr. Chairman.

Mr. Garo, being a lawyer, you make me proud of the profession. That doesn't happen too often when you're sitting on this side of the aisle and dealing with——

Mr. GARO. Thank you, Mr. Congressman.

Mr. KANJORSKI [continuing]. This profession in Washington.

Let me ask you this, though. Looking at the statement of facts and the evidence, is this peculiar to the Boston area, or is it possible that this is occurring in other American cities and in other FBI offices across this country?

Mr. GARO. That's a good question, Mr. Congressman, and I guess my best answer that I can give to that is this, that if you have a cookie cutter and it works one place, that it should be able to work a second place, a third place and the fourth place. I have a distinct feeling that this is not just a situation that happens only here in Boston. I think there are those and many around that would like us to believe that it was only happening in Boston, and when these actions and these events were allowed to happen by the Director of the FBI, I just don't believe it just happened in Boston. And I think that the good that can come out of this hearing and other hearings will be that maybe other people will come forward with similar situations and would have the courage to face up and say what they have to say.

Mr. KANJORSKI. Do we in the Congress have a process of oversight of the FBI and to look through these complaints that may have occurred across the country, or is this a unique situation?

Mr. GARO. I think, Mr. Congressman, that if you people don't have this type of power, then who is investigating or watching over the investigators? Because there has to be some accountability, there has to be some checks and balances, and that's one of the reasons why we ask this honorable committee in all of your power and wisdom that you might be able to help us so that another family doesn't go through this again.

Mr. KANJORSKI. Mr. Garo, a lot of discussions are occurring in the country right now on the question of capital punishment. At this time the State of Massachusetts—or the Commonwealth of Massachusetts did have capital punishment——

Mr. GARO. At that time, yes, Mr. Congressman.

Mr. KANJORSKI. If, in fact, Mr. Salvati had been sentenced to die in the electric chair or by lethal injection, 30 years he would have been executed; is that correct?

Mr. GARO. That's correct.

Mr. KANJORSKI. So this is another very strong piece of evidence for us to reexamine the whole concept of capital punishment, particularly many cases of convictions of uncorroborated testimony.

Mr. GARO. Absolutely. And you hit the nail right on the head, Mr. Congressman, when you're dealing with the uncorroborated testimony of a person who is more of a killer than anything else, because the FBI, Mr. Congressman, at that time made the determination that it was far more important for them to protect the integrity of the informant system than it was to see innocent people go to prison or to potentially die in the electric chair.

Mr. KANJORSKI. I'm aware of some of the investigations of organized crime that have occurred in the Northeast and the Philadelphia area, and I am aware of what I tend to believe is selective prosecution; that when you read the wiretap evidence or other material, there are a host of crimes against sometimes very involved and very impressive people that seem to be totally ignored, and the FBI and the Federal attorneys seem to narrow in and focus in on

their hunt, if you will, or their bait. Do you find that in Boston to be the factor?

Mr. GARO. I would say that whatever you can think of, you'll find it in Boston. If there's any type of corruption that hasn't come forward and it hasn't been prosecuted, when you still have the FBI in Boston, Mr. Congressman, still maintaining today that they did nothing wrong, and a superior court judge has already discharged the cases, and the district attorney's office refuses to retry them because of what they have done, then we're out of control.

Mr. KANJORSKI. Mr. Garo, I complimented you as a lawyer in the legal profession, but it's almost impossible for me to believe that Federal prosecutors and members of the Justice Department and the FBI were not aware of this miscarriage of justice. Has any disbarment or prosecution of any of the professionals involved in this case taken place?

Mr. GARO. Mr. Congressman, I would say to you that other than certain investigations that are being conducted by John Durham, assistant U.S. attorney in Boston, especially assigned to the Justice Task Force, he is trying to get to the bottom of what FBI agents and what the statute of limitations problems are and the prosecution of those agents is really about.

You will find, Mr. Congressman, if you check in the newspapers and in the records in Massachusetts, that we have been saying things about this case for decades, Mr. Congressman, and no one has bothered to ever investigate any part of this. There are State crimes, Mr. Congressman, that have been committed here, and there's been no grand juries held for accountability of what local law enforcement officials did. Let us hope, Mr. Congressman—and that's our hope here, Mr. Chairman, is that through your committee and through your hearings that maybe the truth will finally come out.

And it's interesting that my pastor at my church has said it well: The truth will set them free, but no one wants to tell the truth.

Mr. KANJORSKI. Thank you, sir.

Mr. GARO. Thank you, Mr. Congressman.

Mr. BURTON. Mr. LaTourette.

Mr. LATOURETTE. Thank you, Mr. Chairman and Mr. Garo.

You described in your testimony—your written statement that your first big break, I think you called it, was the delivery to you of the Chelsea police report, and that was in 1989 at the——

Mr. GARO. That is correct, Mr. Congressman.

Mr. LATOURETTE [continuing]. Commutation hearing. Have you had a chance to talk to the lawyer that represented Mr. Salvati at this trial?

Mr. GARO. Let me just say about this very eminent counsel here, Mr. Balliro, who was a lawyer at that time and representing the case, that case was stacked, Mr. Congressman; that God could have come down and tried that case, and he would have never won that case. The chicanery that was involved with the evidence in this case, and the hiding of the evidence, and the wheeling and dealing behind the scenes, no one had an opportunity to win that case. And that's why, if I may just——

Mr. LATOURETTE. Sure. Sure.

Mr. GARO. That's why I have never and will never, ever say anything about legal counsel at that trial. They tried their damnedest, but they were up against an insurmountable wall.

Mr. LATOURETTE. And by asking that question, I wasn't meaning to disparage the trial counsel.

Mr. GARO. I understand.

Mr. LATOURETTE. But my question was, do you feel comfortable and confident that this 3-page—it's exhibit 11 in the book in front of you, but do you feel comfortable and confident that no one in the defense had access to or——

Mr. GARO. Absolutely not.

Mr. LATOURETTE [continuing]. Knew of the existence of this report?

[Exhibit 11 follows:]

Page # 1

Statement by Lieut.Thomas F.Evans Chelsea Police Department.

On March 12,1965 I received a call from the station that a man had been shot and was in the alley in the rear of the Lincoln National Bank.I received this call at 11:15P.M.

I arrived at the above location at approximately 11:30 P.M.In this alley at that time were Chief Burgin,Lieut.Fothergill,Sergt.Charles McHatton,Capt.Renfrew and Officer James O'Brien.There were about fifteen or twenty people standing about the sidewalks and street that were being kept away from the alley by other uniformed officers.

On eneering this alley a distance of thirty feet,I observed a man who I knew as Edward "Teddy" Deegan lying on his back with his feet in the direction of Fourth St.He was fully clothed with a suit and topcoat,white shirt but no tie.There were gloves on his hands.There was a 12"screwdriver with a black handle and red top on the ground about ten inches from his left hand.There was a fresh pool of blood by his left knee and blood appeared to be still oozing from the rear of his head.There were two metal clad doors ajacent to the body that lead into a office building at #375 Broadway.These doors are 4'8" X 6'3"in height.The alley is 203'long and 8'wide from the sidewalk on Fourth St.to approximately 105' into the alley where it then widens 9'6".There is a fire escape on the left side of the alley about 140' in from Fourth St.This escape is for the tenants at #387 Broadway.

Officer O'Brien told me that he was checking doors prior to making his 11 P.M.ring at Box #22(Broadway & Fourth Sts)and when he went into the above alley he observed a figure crouched over by the above mentioned doors on closer observation with his flash light he observed the blood.He then went to Box #22 and called for assistance O'Brien stated he had last tried these doors at 9 P.M.all was okay. At that time he had put the lights on in the alley.These lights are controlled by a switch that is located on the door casing on the last doorway on the left side of the alley.(Putting these lights on at dusk is the regular routine of the Officers that work route #12.) When O'Brien found the body the lights had been turned off and the door leading into the rear of 375 Broadway was open.

Lieut.Edward Fothergill gave me two complete metal jacket bullets with a right hand rifling twist,one smaller jacketed bullet with full metal jacket also four pieces of copper jacket and a piece of lead core that had been picked up in the alley. I later turned these over to Lieut.John F.Collins of State Police Firearms Identification.Lieut.Fothergill told me that they had to move Deegans bodyyfrom a crouched position to one lying flat on his back so that they could enter the open doorway and make search of the hallways of #375 Broadway.Nothing was found.

Shortly after I had arrived at the scene Attorney Alfred Farese accompanied by Anthony J.Stathopoules,he was allowed into the alley where he made identification of Deegan.He then was engaged in conversation with Chief Burgin and Capt. Renfrew.I was later informed by the Chief and Capt.that Farese had stated that he had received a telephone call from a former client that Deegan and Roy French were in trouble in Chelsea and had been arrested while doing a B & E.This client also told him that a policeman was to make arrangements to leave the door open.

EXHIBIT 11

As a result of having the above information given to me,I spoke to Farese and he repeated the story to me. I asked him if Stathopoulos was the former client of whom he spoke and he said no that he had

asked Stathopoulos to give him a ride to the Chelsea Police Station.He would not reveal the name of this party.

Dr.Meyer Kraft came to the scene and pronounced Deegan dead at 11:43 P.M. The Medical Examiners Office had been notified and Dr.Luongo came to the scene and viewed the body and removed same.

I had received information from Capt.Joseph Kozlowski that about 10 P.M.he had observed a red motor vehicle parked on Fourth St about 150' from the alley in question and there were three men in this car,two in front and one in the rear.He observed the first three digits of this plate as 404 but could see no other numbers as the plate had been bent over from right to left.As he went over to discuss the plate with the occupants the car pulled away from the curb and made a right turn on Broadway.

At approximately 12:30 A.M.on 3-13-65 with Capt.Renfrew, Det.Moore,Revere detectives and myself we went to the Ebb Tide on the Revere Beach Boulevard and made observations of a red,1963 Olds.Conv.Mass.Reg.404-795 that was registered to Joseph Martin of 19 Fleet St.No.End Boston.The plate on the rear of this vehicle was creased down the middle.We went into the cafe and told Wilfred Roy French that were were placing him under arrest for S.P.of a Felony-Murder and that were would be taking him to the Chelsea Police Station.I then requested Martin to bring his car to the station and he agreed to do so.Franis Imbuglia went along with Martin in Martin's car. On arriving at the station I had French taken up to the detective bureau and Martin and Imbuglia waited down stairs in the Seargeants room.With Capt.Renfrew I had Capt. Kozlowski view Martin's car that was parked in front of the station. He stated that the car looked like the one that he had seen earlier in the evening on Fourth St.but that he could not say it was the car.We then went into the Seargeants room to talk with Martin but both he and Imbuglia said they had nothing to say and that if it was not a pinch that they were going to leave. They then left the station.Capt.Kozlowski could not recognize these men.

I them went up to the detective bureau with Capt.Renfrew where I informed French of his rights.He said that he would have nothing to say until he spoke to his lawyer.At about 1:45 A.M. his Attorney,John Fitzgerald of Farese's office,arrived and had a conversation with French.French then gave us the information necessary for the booking card.In reply to a question of his occupation he stated that he was employed as a Maitre De at the Ebb Tide at a salary of $100.00 weekly.Asked as to what time he had gone to work on the evening of 3-12-65 he said that he had gone to work about 8 P.M. and had been there until we had taken him from there. At this point French refused to answer any more questions.I had Capt.Kozlowski look at French but he could not recognize him as being ~~being~~ in the car that he had observed earlier. I then observed what appeared to be bloodstains on the right sleeve of French's coat and also on his right shoe.It appeared that a attempt had been made to remove these stains by rubbing them. I had Capt.Renfrew view these objects.I then asked French how he had this blood on the coat and shoes.French said that while working at the Ebb Tide on 3-12-65 that there had been two different fights and that while breaking them up he had got blood on his clothes.A later check with one Joseph Errico of 37 Atwood St.Revere,a reserve police officer

of the Revere Police Department,reveals that Errico had been working on Friday and Saturday nights at the Ebb Tide for the past month.He goes to work at 9:15 P.M. until 1:30 A.M. He stated while working on 3-12-65 that some unknown fellow had been bothering a girl and that a other unknown party had punched this fellow cutting him about the eye and causing him to bleed profusely.States that because of the numbers of people in the Cafe that he could not say if French had left the place or not.He could not remember what time that this fight had occured.Also employed as a special police officer at this cafe is one Richard Currie of 39 Agawam St.Revere from whom we received no information.

French was allowed to sign a release waiver and leave the station with his attorney John Fitzgerald.

On the morning of 3-13-65,by arrangement,I had Attornies Farese,Fitzgerald and Anthony Stahopoulos come to the detective bureau where I again asked Farese to repeat his story of the previous evening relative to his exclient calling him to tell him of Deegan and French having been arrested by the Chelsea Police.He repeated the same story.I asked if this caller was at present a client of his and he said no.I asked for the name of his informant and he refused to name him.I asked if the name of the police officer who was alleged to have left the door open was known to him and he said no.

Stahopoulos refused to answer questions on advice of his attorney.

Attorney Fitzgerald informed me that he had received a telephone call from Deegan at 8:15 P.M.on 3-12-65 and that he could hear music in the background.I asked Fitzgeral the reason for the call and he told me that Deegan called him every night to let him know that he (Deegan) was okay.

I received information from Capt.Renfrew that a informant of his had contacted him and told him that French had received a telephone call at the Ebb Tide at 9 P.M. on 3-12-65 and after a short conversation he had left the cafe with the following men; Joseph Barboza,Ronald Cassesso,Vincent Flemmi,Francis Imbuglia, Romeo Martin,Nicky Femia and a man by the name of Freddi who is about 40 years old and said to be a "Strongarm".They are said to have returned at about 11:P.M. and Martin was alleged to have said to French,"We nailed him".

Information received from a Mr.John T.Asten a tenant in apartment #8 at #387 Broadway. Asten states that at 9:30 P.M. on 3-12-65 he heard five sharp cracks and went out onto the fire escape which leads into the alley in question and that the lights were out in the alley and he could see or hear nothing.

I spoke with Vito Pagliarulo,age 55,of 98 Carroll St. Chelsea who is employed as a janitor at 375 Broadway and he informed me that he had left work on 3-12-65 at 3P.M. and he did not know if the rear door had been locked at this time or not.

Mr. GARO. Absolutely not. As much as the judicial opinions in the case have tried to place it in the hands, through unbelievable miscarriage of the facts in the case, no, it was never had.

Mr. LATOURETTE. And just for the purposes of the record, the reason that the report, I think, written by a lieutenant in the Chelsea Police Department, was significant, on page 3 of the report, it mentioned confidential information as to who the murderers were eventually?

Mr. GARO. That is correct. As a matter of fact, from the evidence that you have in your pamphlets, provided by chief legal counsel and the staff, you will see that the exact killers that were mentioned in the Chelsea police—hidden police report were the same as the killers that were mentioned on March 13, 1965 by Vincent Jimmy "the Bear" Flemmi to a prized informant of the FBI, who I say, Mr. Chairman, in my opinion, was his brother Steven Flemmi.

Mr. LATOURETTE. OK. Did you have the opportunity to chat with the individual prosecuting authorities about this Chelsea Police Department report after it was discovered to you in 1989?

Mr. GARO. Yes, I did.

Mr. LATOURETTE. And who was the prosecuting——

Mr. GARO. The prosecutor in the case was an attorney Jack Zalkind.

Mr. LATOURETTE. And can you relate to the committee what the substance of that conversation was?

Mr. GARO. Surely. In fact, he has filed an affidavit that I have filed in court, and Mr. Zalkind said that he had never known that Chelsea police report ever existed as to whether or not there was an informant in there. He said if he had known that there was an informant there that night that did not see Mr. Salvati, that he would have done a more thorough investigation, and Mr. Salvati may never have been indicted.

Now, what's interesting to note, Mr. Congressman, is that when I filed my motion for new trial in 1993, the District Attorney's Office of Suffolk County filed that affidavit by a Mr. McDonough, who was the legal assistant to Mr. Zalkind, who stated in his affidavit that that police report was in the files when he was there as a legal assistant to Mr. Zalkind. So what we have, Mr. Congressman, is we have prosecutors saying, I didn't have it, a legal assistant who said that it was there. I don't care who had it or what had it. If they said it was there, they didn't do anything with it, and you're going to have people die in the electric chair. My God. Don't you think you have a duty to go and investigate that? It's unconscionable, Mr. Congressman.

Mr. LATOURETTE. Did you—it was written by a Lieutenant Thomas Evans. Did you ever have a chance to chat with him about when it was prepared or anything of that nature?

Mr. GARO. No. Lieutenant Evans had passed away.

Mr. LATOURETTE. Had he? OK.

Mr. GARO. But what I did do, Mr. Congressman, and that's an excellent point, is that when I found out Lieutenant Evans had died, I then sent my investigators out to go find out if he had a partner. Lo and behold, I found he had a partner. I contacted their partner, and he said, sure, we worked on that together, and we

filed it. As a matter of fact, we knew who the killers were that night. They had——

Mr. LATOURETTE. Did he say who he had filed it with?

Mr. GARO. Lieutenant Evans.

Mr. LATOURETTE. OK. And the last question that I have for you, who is John Doyle?

Mr. GARO. I don't think I'd have enough time probably to answer that question, but suffice it to say he was the liaison at the Suffolk County District Attorney's Office, Garrett Byrne, with the FBI at that time. And he was the head detective that would put together the cases on organized crime. That's who he was.

Mr. LATOURETTE. OK. Thank you.

Thank you, Mr. Chairman.

Mr. BURTON. Mr. Cummings, did you have a question?

Mr. CUMMINGS. Thank you very much, Mr. Chairman.

And, Mr. Garo, from one lawyer to another, I'm very glad that you do what you do and that you take your job as seriously as you do, and I wish more people had an opportunity to hear the testimony. And I understand you're just doing what you believe what you should be doing, and this is your job.

Mr. GARO. Thank you, Mr. Congressman.

Mr. CUMMINGS. You know, I really wish that more people would have an opportunity to hear this testimony, because so often I think what happens is that when someone lands in prison and they declare their innocence, although they have come through the criminal justice system, there are some who believe that the criminal justice system in our country does not—I mean, there's some that believe that it's perfect. And one thing is very, very clear, and that is that one of the things that will get us as close to perfection as we can get is that if the people that we trust, such as FBI agents and others and judges, it is important that they do their job in an honest and truthful manner, because I think that's what leads to the trust of the public.

And that leads me to my first question. You know, in reading your testimony, Mr. Garo, you seem to have kind words about John Durham, the prosecutor heading up the Justice Department's Task Force.

Mr. GARO. I do.

Mr. CUMMINGS. Why is that, sir?

Mr. GARO. He is the first prosecutor, in my opinion, that I have met in the entire investigation of this case for over 26 years that had as his motive in this case to let the truth come out, and that it would have been very easy for him, Mr. Congressman, to have thrown away these documents, and that the FBI agents that were working for him found these documents, and they found them because they were misfiled in other files, Mr. Congressman, and they were in the Boston office. All of the regular files had already been destroyed at that time, Mr. Congressman. This was all done—Mr. Congressman, if you throw away the evidence, it can't come back to haunt you. The only problem is that it had been misfiled, and they spent hours and days and weeks and months poring over these documents to give me those documents.

And that's why we say, Mr. Congressman, that we still have the greatest justice system in the world. And when you have a person

like John Durham, and you have a person like Judge Mark Wolf in the Federal court who took on the investigation here of informants back in Boston, they're heroes. They're the ones who have fought the system, and they have let come out the evidence that we have. And it makes us feel good, because we don't paint all the FBI with the same brush, and we say we need them, but, darn, when you break the sacred oath of trust—when I represent defendants in court and it's a public official, the first thing that the prosecutor says is, because he was a public official and he broke his sacred trust, we throw the book at him. Conversely in this case, no book has been thrown at any of the Federal officials.

Mr. CUMMINGS. Do you think the book should be thrown at them?

Mr. GARO. Absolutely. For those that are guilty, for those that took part in this, because how can anybody be so inhuman? Because we wanted, Mr. Chairman, you to see how much this affected this family.

That's what people don't want you to see, Mr. Congressman, and that's why this is difficult for the three of us. We're not here for publicity. I don't practice criminal law. I'm not looking to get referral cases. But we're here—when we first got approached by Mr. Wilson, who I have the deepest respect for and his staff, both on the Democratic side and the Republican side, and the work and the hours that they have put into this, we knew that sooner or later this is important to say, and this has never been about money, power, prestige. Those that know me know that I'm not like that, but if we can help you out, we have pledged that we will be here for you at any time. I said that I would give and help Mr. Wilson, Mr. Yeager behind the scenes on anything that your staff wants, Mr. Chairman, and I'll be here for you all the time.

Mr. CUMMINGS. Mr. Garo, your client was facing the death penalty. Is that what you said?

Mr. GARO. Yes, sir. That's true.

Mr. CUMMINGS. And, Mrs. Salvati, how did that affect you?

Mrs. SALVATI. I became numb. I just couldn't believe it that our lives could be so shattered with all this here, and, you know, it's devastating. It's just devastating. You get yourself in a state when the verdict came in, and I just—you know, I had a horrible night that night. Especially when the verdict came in, my children were my first priority. I went to get them from school, you know, because I didn't want them to hear nothing in the street. So I took them home, and I told them what had happened to, you know, Dad. We call him Dad. And he said—you know, I said, you know, you're going to hear a few things. You're going to read things in the paper. You know, families talk when they go home. You know how people are. So I tried to comfort them and tried to, you know, not tell them more than what I had to because they were little, you know, especially the young—the 4-year-old.

And we got through that. Then the very next day, my husband had the chaplain call me, and he wanted to see me right away. So we needed that bonding between us to go through the sorrow, this heartache together. All I could think of him was the night before being shackled in jail. I had no concept of what jail was about or how anything was, and, you know, we needed each other, too, but

you have to be there for each other, and we had that bonding with us all the time.

Mr. CUMMINGS. Mr. Chairman, just one quick statement. I just want to express to you and your husband, you know, something that Mr. Garo said. We do have an outstanding system of justice. It does fail. We have a lot of great people in our justice system, but I hope and I pray that God will give you the strength and the courage to continue on. You both have held up tremendously. I mean, a lot of people would not have held up under these circumstances, and I thank God for you and for your lives, and certainly you'll be in my prayers.

Mrs. SALVATI. Thank you.

Mr. SALVATI. Thank you.

Mr. BURTON. Thank you for your comments, Mr. Congressman.

Before I yield to Mr. Barr, one of the things that I will ask our legal counsel and our staff to investigate is whether or not there were some other injustices done as well. I understand that Mr. Barboza testified in some other criminal trials, and people were sent to jail. I don't know if anybody was sent to death or not, but we're going to investigate that as well. And so what you're telling us here today is not going to just reflect on the injustice done to the Salvatis, but also we're going to look at other things as well.

Mr. Barr.

Mr. BARR. Thank you, Mr. Chairman.

Could the staff prepare exhibits 15, 8 and 7, please, beginning with 15.

Counsel, when I first started learning about this case from counsel and from the chairman and from Mr. Shays, probably, as most people, I was skeptical. You know, it reads like a novel. And then as you get into it, you say, yeah, well, maybe this sort of stuff did happen, but certainly the head of the FBI didn't know about it. He would have stopped it. But the fact of the matter is that there appears to be documentation that indicates very clearly that the Director of the FBI, Mr. Hoover, knew exactly what was going on, and that's very, very disturbing as a former U.S. attorney, as a citizen. You don't have to be a former U.S. attorney or an attorney to be disturbed by that. It's disturbing deeply as a citizen.

Document exhibit No. 15 is an airtel—this is back in the days before all the technology. We didn't have e-mails and so forth—dated March 19, 1965, which was, I think, about a week after the Deegan murder, and that document is to Director, FBI. In your knowledge, which is certainly extensive, my understanding is that Mr. Hoover kept very close tabs on what happened in the FBI.

[Exhibits 15, 8 and 7 follow:]

3/19/65

AIRTEL

TO : DIRECTOR, FBI [redacted] F

FROM: SAC, BOSTON [redacted] P

CRIMINAL INTELLIGENCE PROGRAM
BOSTON DIVISION

The following are the developments during the current week:

On 3/12/65, EDWARD "TEDDY" DEEGAN was found killed in an alleyway in Chelsea, Mass. in gangland fashion.

Informants report that RONALD CASESSA, ROMEO MARTIN, VINCENT JAMES FLEMMI, and JOSEPH BARBOZA, prominent local hoodlums, were responsible for the killing. They accomplished this by having ROY FRENCH, another Boston hoodlum, set DEEGAN up in a proposed "breaking & entering" in Chelsea, Mass. FRENCH apparently walked in behind DEEGAN when they were gaining entrance to the building and fired the first shot hitting DEEGAN in the back of the head. CASESSA and MARTIN immediately thereafter shot DEEGAN from the front.

ANTHONY STATHOPOULOS was also in on the burglary but had remained outside in the car.

3-Bureau
1-Boston

JFK:pos'b
(4)

SEARCHED ____
SERIALIZED 0
INDEXED ____
FILED 0

F [redacted] -1820

0000 4

EXHIBIT
15

[redacted] F

When FLEMMI and BARBOZA walked over to STATHOPOULOS's car, STATHOPOULOS thought it was the law and took off. FLEMMI and BARBOZA were going to kill STATHOPOULOS also. "OK."

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 necessary information to prosecute the persons responsible.

It should be noted that this information was furnished to the Chelsea PD and it has been established by the Chelsea Police that ROY FRENCH, BARBOZA, FLEMMI, CASESSA, and MARTIN were all together at the Ebb Tide night club in Revere, Mass. and they all left at approximately 9 o'clock and returned 45 minutes later.

It should be noted that the killing took place at approximately 9:30 p.m., Friday, 3/12/65.

[redacted]

[redacted] B

Informant also advised that [redacted] had given the "OK" to JOE BARBOZA and "JIMMY" FLEMMI to kill [redacted] who was killed approximately one month ago.

63

Page 3 of serial 1870 is being deleted in its entirety for codes: F, B.

0000 6

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F

[redacted] (Cont'd)

M [redacted]

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.

B

[redacted]

F/B

Boston's Airtel to Director and SACS Albany, Buffalo, Miami 3/12/65 captioned: [redacted]

B [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]

B

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.

M [redacted]

000015

EXHIBIT 8

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F [redacted]-2597pg.2

Boston Airtel to Director, 3/10/65 entitled: [redacted]

B, M

F [redacted] advised on 3/3/65 that [redacted] contacted Patriarca and stated he had brought down VINCENT FLEMMI and another individual (who was later identified as Joe Barboza from East Boston, Mass.) It appeared that [redacted], Boston hoodlum, was giving orders to FLEMMI to "hit this guy and that guy".

B

Raymond Patriarca appeared infuriated at [redacted] giving such orders without his clearance and made arrangements to meet FLEMMI and Barboza in a garage shortly thereafter. He pointed out that he did not want FLEMMI or Barboza contacting him at his place of business.

F [redacted]-2597pg.5

Angiulo told Patriarca that VINCENT FLEMMI was with Joe Barboza when he, Barboza, killed [redacted] in Revere, Mass. several months ago. It appeared that [redacted], Boston hoodlum, had ordered the "hit". Patriarca again became enraged that [redacted] had the audacity to order a "hit" without Patriarca's knowledge.

B

Patriarca told Angiulo that he explained to FLEMMI that he was to tell [redacted] that no more killings were to take place unless he, Patriarca, cleared him.

Jerry explained that he also had a talk with FLEMMI. He pointed out that Patriarca has a high regard for FLEMMI but that he, Patriarca, thought that FLEMMI did not use sufficient common sense when it came to killing people.

Angiulo gave FLEMMI a lecture on killing people, pointing out that he should not kill people because he had an argument with him at any time. If an argument does ensue, he should leave and get word to Raymond Patriarca who, in turn, will either "OK" or deny the "hit" on this individual, depending on the circumstances.

M [redacted]

EXHIBIT 7

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F

[redacted] (Cont'd)

M [redacted]

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. B

[redacted] F/B

Boston's Airtel to Director and SACS Albany, Buffalo, Miami 3/12/65 captioned: [redacted]

B [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] B

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.

M [redacted]

Mr. GARO. He was getting information on a weekly basis, Mr. Congressman, on exactly what was happening back in Boston, because Boston in the 1960's was going through a gang war, and there were approximately 50 to 60 people who got killed. And they weren't able to get any convictions on a lot of the murders, and he wanted to be on top of everything that was happening in the Boston area during that period of time. So he was being informed on a weekly basis. This is only one of the documents that was left as misfiled. Other documents that Mr. Durham believes has either been destroyed or may even be around in other places and have not surfaced yet.

But there are documents, also, Mr. Congressman, that show that the Director knew exactly what was going on. What happened here, if I can, Mr. Congressman, that in March 1965—if I could do just a little chronology of this, in February 1965, Steven "the Rifleman" Flemmi had been targeted as a top-echelon informant. On March 9, 1965, his brother was being targeted as an informant. On March 10——

Mr. BARR. When you say targeted as an informant, you mean by the FBI?

Mr. GARO. Yes. Absolutely.

Then on March 10th, they received information that Flemmi and Barboza might be going to kill Teddy Deegan. On March 12th, Teddy Deegan was killed. On March 13th, Vincent Flemmi told the same informant that he and Joe Barboza killed Teddy Deegan the night before with three other guys, told them how it happened, how they were going to get in and do the B&E, how it happened, who was there, who did what. And they did a very sloppy job.

On March 19th, all this information now is given to the Director of the FBI. Now what happens is—now you have to go 2–1/2 years later, because in March, April or May 1967, Barboza becomes a witness for the Federal and State governments on various defendants that I've talked about previously.

Now, when Barboza was willing to take down and give false and perjurious statements on first degree murder cases, and it's all uncorroborated testimony, now—in my opinion, what happens now is between March, April, May 1967 and October 25, 1967, when the indictments came down as a result of Barboza's testimony on October 25th, the previous information just got in the way of the prosecution of these three cases. So now they let Barboza tell another story. No one is ever going to find out about these documents, because we're going to bury the documents and destroy them.

Mr. BARR. In your view, are there sufficient checks and balances and access to information now that weren't available back in the 1960's——

Mr. GARO. No.

Mr. BARR [continuing]. So that you would have a confidence level that this sort of thing would not happen?

Mr. GARO. No. I have no confidence right now that won't happen, because this has been happening in the 1960's, 1970's, 1980's and the 1990's. It's occurring right up today, Mr. Congressman, because there's still a denial at the FBI in Boston that anything was wrong, they have done nothing wrong.

Mr. BARR. But I don't mean just in this case, in other cases. I mean, we have additional safeguards that have been put in place, both statutorily as well as is in guidelines for the use of informants, as well as court decisions that have come down in the intervening decades. Do you have a confidence level that with all of those safeguards that we have in place now, that this sort of thing could not happen again?

Mr. GARO. None whatsoever.

Mr. BARR. Do you have some recommendations for us on specific steps that could be taken to help raise your comfort level?

Mr. GARO. I think that should be done, Mr. Congressman, with the defense bar. When everybody makes guidelines determining what's going to happen within the FBI or the government, they go to government. They don't go to the criminal defense bar. I think that the criminal defense bar, as over here, are two of the finest criminal defense lawyers that there are in the country. I think that they ought to be sitting down around the country and determining what legislation is necessary. I don't practice criminal law anymore, Mr. Congressman, and—other than for the Joe Salvati case for all these years, so I'm not maybe the best person in the world to tell you how to do that, but I know that the Massachusetts Association of Criminal Defense Lawyers would make themselves very available to sit down and talk, either with you or the committee, to find what can be done with the legislation and checks and balances to make sure that something like this, Mr. Chairman, will never happen again.

Mr. BARR. Thank you, sir.

Thank you, Mr. Chairman.

Mr. BURTON. It's really troubling to think that this has continued to go on. As I understand it, the assistant U.S. attorney up there, they're working on this right now to dig out all the dirt that they possibly can. Is that not correct?

Mr. GARO. That is correct.

Mr. BURTON. OK. Thank you.

Mr. Tierney.

Mr. TIERNEY. Thank you, Mr. Chairman. It is not out of lack of respect that I keep leaving, and I apologize for that. Like Mr. Waxman, I have another Committee on Education that is marking up a bill.

Mr. GARO. We understand, Mr. Congressman. Thank you.

Mr. TIERNEY. I appreciate that.

I would like to yield my time to Mr. Delahunt, who I know is prepared to go forward on that at this time, and so I would yield to Mr. Delahunt.

Mr. BURTON. Mr. Delahunt.

Mr. DELAHUNT. Yes. I thank you. I thank my colleague from Massachusetts for yielding, and I thank the Chair again, for allowing us to participate.

Mr. Garo, you stated that it is your belief that the informant alluded to, in the various reports that have come to your attention—the report by the FBI, by a Special Agent Paul Rico; a Chelsea Police Department report authored by a captain—or a Lieutenant Evans; and a Boston police report authored by one William Stewart; a State police report authored by a Lieutenant Cass—refer to

the same individual when they reference an informant. Is that correct?

Mr. GARO. No. No. I say that there are several different informants, Mr. Congressman. On the Chelsea police report, that is one informant. The informants on the FBI documents that were handed to me by Mr. Durham, that's a second informant, in my opinion, and in the documents that were provided on the others, I think that in the Detective Richard Cass's report from the State police, that he had further information that no one else had, and I say that there was another informant.

Mr. DELAHUNT. OK. Let me go back then again. I know you mentioned the name of one Steven——

Mr. GARO. Flemmi.

Mr. DELAHUNT [continuing]. Flemmi. And it's your belief that he was the informant referred to in the report by Special Agent Paul Rico?

Mr. GARO. That is my opinion.

Mr. DELAHUNT. Are you aware of any documents or any reports whatsoever that exist that reveals the name of that informant?

Mr. GARO. No, I do not. As a matter of fact, Mr. Durham in his investigation was unable to find that, because the informant documents had already been destroyed.

Mr. DELAHUNT. Well, that answers my question, because I was going to request the Chair of this particular committee to inquire of the FBI to reveal the name of that particular informant.

Mr. GARO. Mr. Congressman, though, I would say this to you, that I wish you would still make that request, because I have a feeling that there's still information——

Mr. DELAHUNT. Well, then——

Mr. GARO [continuing]. That's around.

Mr. DELAHUNT [continuing]. I will make that request then.

Mr. GARO. Because I think it's an excellent request.

Mr. DELAHUNT. I yield to the Chair.

Mr. BURTON. If the gentleman will yield—and I thank you for yielding. We certainly will contact the head of the current—acting head of the FBI and whoever his successor is, and we'll ask for any documents pertaining to this investigation and what's going on in Boston.

Mr. GARO. I think that's an excellent point.

Mr. DELAHUNT. I just simply can't imagine any basis, in terms of what has gone on in Boston, pursuant to the proceedings presided over by Judge Wolf, why the name of that particular informant cannot be revealed, because it's simply my opinion that would remove some of the mystery surrounding the case against Mr. Salvati.

We spoke, as I indicated earlier, last Saturday regarding the case of Mr. Salvati, and I took a particular interest in your explanation of the efforts that you made to seek a commutation on behalf of Mr. Salvati. Could you just repeat them once more for members of the panel? And maybe, Mr. Garo, you could start with explaining to members of the panel what the commutation process is and how one proceeds and its significance in the Commonwealth of Massachusetts. If you could start there, please.

Mr. GARO. Certainly. Thank you, Mr. Congressman.

In Massachusetts when you are convicted of murder in the first degree, you have no right to parole. The only way that you have the right to parole is if you receive a commutation, and a commutation is considered to be an extraordinary legal remedy. In order to get a commutation, three votes have to be taken, one by the parole board sitting as the advisory board of pardons, the second vote by the Governor of the Commonwealth of Massachusetts, and the third by the Governor's Council, not legal council, the Governor's Council, a duly elected body. The three of those votes have to be situated for you to get a commutation. It is not easy to obtain.

So that I had filed for a commutation in 1986, but I was told by the then current chairman of the parole board that they weren't going to hold the hearing. In granting, Mr. Chairman, a commutation hearing in the Commonwealth of Massachusetts by a parole board, that means that they are very seriously contemplating giving you your commutation, because they don't do it to raise the hopes of an inmate that you're going to get out. They don't do that. So it's—Mr. Salvati's really to lose—95 percent for him to win it, 5 percent for him not to win it.

The chairman of the parole board said to me in 1986 that he was contacted by the FBI that they were doing an investigation, and Salvati was part of it, and that he was going to get indicted.

Mr. DELAHUNT. Will you just repeat that slowly? You were contacted by the chair—or the Massachusetts Parole Board was contacted by the FBI, indicating that they were conducting an investigation that implicated Mr. Salvati?

Mr. GARO. That is correct, Mr. Congressman.

Mr. DELAHUNT. Proceed, please. Do you know the name of the FBI agent?

Mr. GARO. No, I do not. No, I do not.

Mr. DELAHUNT. Could you identify the individual on the Massachusetts Parole Board who——

Mr. GARO. Yes. Jim Curran, who is now currently a judge out in the western part of the State.

Mr. DELAHUNT. And Mr. Curran was the Chair at the time?

Mr. GARO. Yes, sir.

Mr. DELAHUNT. And he indicated——

Mr. BURTON. If the gentleman will yield. We will contact the judge, and we will ask who the FBI agent was that informed him it was an ongoing investigation.

Mr. DELAHUNT. I thank the Chair.

Would you proceed, Mr. Garo?

Mr. GARO. Thank you.

I was very well known to the parole board, because I used to knock on their doors all the time for many years. As a matter of fact, when they heard I was in the building, they would say, hey, Vic, come on and have a cup of coffee with us, because I believe that I've always conducted myself as a gentleman. I believe I've always conducted my representation of Mr. Salvati always on another level.

Mr. DELAHUNT. But what happened to that investigation, Mr. Garo——

Mr. GARO. Nothing.

Mr. DELAHUNT. Nothing?

Mr. GARO. After 3 years——

Mr. DELAHUNT. After 3 years nothing happened?

Mr. GARO. That is correct.

Mr. DELAHUNT. And what did you do then, Mr. Garo?

Mr. GARO. I went to Mr. Curran and I said, they are trying to prevent you from ever having a hearing on Mr. Salvati.

Mr. DELAHUNT. And what did Mr. Curran say to you?

Mr. GARO. He said, you're right, we're going to hold a hearing.

Mr. DELAHUNT. And did he hold a hearing?

Mr. GARO. Yes, they did, sir.

Mr. DELAHUNT. And what was the conclusion of that hearing?

Mr. GARO. It was held in August 1989, and at a date that I still don't know, Mr. Congressman, they voted unanimously for the parole——

Mr. DELAHUNT. Mr. Garo, how many members on the parole board?

Mr. GARO. At that time I had five members that were present at——

Mr. DELAHUNT. And each and every one of them voted in favor of commuting the first degree murder sentence of Mr. Salvati, and that was in 1989?

Mr. GARO. I don't know the date they——

Mr. DELAHUNT. You don't know——

Mr. GARO. It's always been hidden from me because——

Mr. DELAHUNT. It's been hidden from you?

Mr. GARO. And I would explain——

Mr. DELAHUNT. And I would hope that the Chair of this particular committee would request the documents from the Massachusetts Parole Board relative to when that unanimous vote was taken.

Proceed, Mr. Garo.

Mr. GARO. Thank you, Mr. Congressman. At that time when—I received a phone call from a member of the parole board who said to me, Mr. Garo, I have some good news and bad news for you. You have received the unanimous vote of the parole board, but the documents are not going to be placed on Governor Dukakis' desk; and I said, can you tell me why? He said, because of the Willy Horton scandal that had happened and other matters, that they really don't want to deal with your commutation. And that was a major blow to us, Mr. Congressman, because I then had to meet with my client Mr. Salvati and his wife and four children, because at that time——

Mr. DELAHUNT. Are you aware of any communication between the then Governor Dukakis' office and the Chair of the parole board regarding concern about the Willy Horton case?

Mr. GARO. Only what I was told by the parole board themselves.

Mr. DELAHUNT. At some point in time, could you give the names of the——

Mr. GARO. Yes. I will be glad to give that to you at the appropriate time, Mr. Chairman—I mean, Mr. Congressman.

Mr. DELAHUNT. And what happened then, Mr. Garo? If I could indulge the Chair for the additional time.

Mr. GARO. What happened then——

Mr. SHAYS. I'm happy to yield the gentleman my 5 minutes.

Mr. BURTON. We'll give you time. Without objection, we'll——

Mr. DELAHUNT. There's a particular line of questioning I want to pursue.

Mr. SHAYS. You just stay right at it, sir.

Mr. DELAHUNT. Mr. Garo, please.

Mr. GARO. We had a very difficult decision, Mr. Congressman, as you well know, that if I filed a motion for new trial, I'd lose my unanimous vote of the parole board, and knowing the history here of the judicial handling of these cases, I told him, we're not going to overturn this case.

Mr. DELAHUNT. So that's when you made the decision not to pursue the motion for the new trial?

Mr. GARO. That is correct.

Mr. DELAHUNT. Fine.

Mr. GARO. We gave that up because we had a unanimous vote of the parole board, and we said, let's keep what we have. Why go into waters where we don't know what we're going to get?

Mr. DELAHUNT. Right.

Mr. GARO. 1992, then came Governor Weld. On January 20, 1993, Mr. Salvati's commutation was turned down by Governor Weld.

Mr. DELAHUNT. And what was the reason expressed by the then Governor for rejecting the unanimous recommendation of the parole board?

Mr. GARO. My client's long and involved criminal record.

Mr. DELAHUNT. Can you relate to us how long and involved Mr. Salvati's criminal record was?

Mr. GARO. A conviction in 1956 for breaking and entering and possession of a precarious implement and a couple of traffic tickets.

Mr. DELAHUNT. You referenced earlier that one Jack Zalkind was the prosecutor in the case against Mr. Salvati?

Mr. GARO. That is correct.

Mr. DELAHUNT. And during our conversation last Saturday, I requested any documents that you might have relative to this commutation process?

Mr. GARO. That you did, sir.

Mr. DELAHUNT. And I have a bunch of them here, and I will ask the Chair to submit them.

And if I——

Mr. BURTON. Without objection.

[The information referred to follows:]

LAW OFFICES
JACK I. ZALKIND
AND ASSOCIATES
FIFTEEN COURT SQUARE
BOSTON, MASSACHUSETTS 02108
617-227-3951

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

FRANK L. WALSH
21 HAZELMERE ROAD 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.

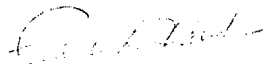
During my investigations prior to his indictment, subsequent sentencing and to this date, I have never become aware that Mr. Salvati has been even remotely connected with firearms or physical violence.

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,



LAW OFFICES
JACK I. ZALKIND
AND ASSOCIATES
FIFTEEN COURT SQUARE
SUITE 1100
BOSTON, MASSACHUSETTS 02108
(617) 227-3950
FACSIMILE: (617) 227-1780

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.

Frank L. Walsh
21 Hazelmere Road
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.

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,

> 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.

Lee I. Zalkind
BBO #538840
15 Court Square
Boston, MA 02108
(617) 227-3950

August 5, 1993

FRANK L. WALSH
21 Hazelmere Road
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

Frank L. Walsh

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ONE STATE STREET
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(617) 227-3950
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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 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

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

Mr. DELAHUNT. Back on March 12, 1979, Mr. Garo, did you receive a letter from Jack Zalkind?

Mr. GARO. Yes, I did.

Mr. DELAHUNT. And if you could read—if you have it before you, if you could read the second paragraph for the benefit of the committee, please.

Mr. GARO. Surely. And this is a letter dated March 12, 1979.

To whom it may concern, Re Joseph Salvati.

Second paragraph: 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.

Mr. DELAHUNT. Can you repeat that again for the benefit of the panel?

Mr. GARO. It was my belief at that time that it was Mr. Salvati's first serious criminal involvement.

Mr. DELAHUNT. And that was a letter dated to you on March 12, 1979?

Mr. GARO. That is correct, Mr. Congressman.

Mr. DELAHUNT. And back in 1979, did you also receive the communication from a Frank Walsh?

Mr. GARO. Yes, I did.

Mr. DELAHUNT. Could you inform the panel who Mr. Walsh is?

Mr. GARO. Mr. Walsh was a detective in the Boston Police Department assigned to organized crime activities and homicides, and he was involved in the investigation and arrest of Joseph Salvati.

Mr. DELAHUNT. OK. Referring—if you have before you a letter from Mr. Walsh, dated March 15, 1979, and if you would refer to the third paragraph. Could you read it to the committee?

Mr. GARO. Certainly, Mr. Congressman.

During my investigations prior to his indictment, subsequent sentencing, unto this date I have never become aware that Mr. Salvati has been even remotely connected with firearms or physical violence.

Mr. DELAHUNT. Thank you. And both of these letters—and they were subsequent letters similar in nature. Is that a fair statement——

Mr. GARO. That's a very fair statement.

Mr. DELAHUNT [continuing]. Recommended—from the prosecutor and the investigator, recommended a commutation for Mr. Salvati; is that accurate?

Mr. GARO. That is very accurate.

Mr. DELAHUNT. And yet we have the then Governor of Massachusetts in 1992 making a statement that it was because of his long criminal history. And I also remember reading something about his association with organized crime. Is that——

Mr. GARO. That was part of it also, yes, Mr. Congressman. That was in 1993, January 20, 1993.

That was January 20, 1993.

Mr. DELAHUNT. Did you ever have any communication with anyone from Governor Weld's office?

Mr. GARO. No, I was like persona non grata. No one would talk to me.

Mr. DELAHUNT. Do you have any reason to believe that anyone from the Federal Bureau of Investigation would have communicated with the Governor's Office relative to the commutation of Mr. Salvati?

Mr. GARO. May I, Mr. Congressman, do that with an old evidence trick that we were once taught in law school, that when it snows during the night and you wake up the next morning and you see footprints around the building—I can't tell you who the footprints belonged to, but I can tell you that the footprints are there. The footprints are all there that no doubt Governor Weld was talked to.

Mr. BURTON. Would the gentleman yield?

Mr. DELAHUNT. Yes.

Mr. BURTON. I think this is important. I know Governor Weld. I think he relied on some staff people for this.

Do you know who at the Governor's Office would have been contacted about this?

Mr. GARO. I have no idea.

Mr. BURTON. You have no idea. We will contact former Governor Weld and ask him who gave him that information.

Mr. DELAHUNT. I think that is very important. Because I presume, given what I have read in newspaper reports, that the FBI—and even today in—the Special Agent in Charge of the FBI office, one Charles Prouty, has indicated that, while they had this information, they did transmit it to local authorities. It would seem that, at least in terms of Mr. Prouty's statements, that it's his opinion that terminated any obligation that the FBI had relative to providing this exculpatory information about Mr. Salvati.

But it's clearly different if the FBI took an active role and involvement in impeding the process of the commutation of Mr. Salvati, extending those years for maybe 10 or 15 years, that is clearly a significant injustice, to some 30 years. It's disgraceful, and I hope the Chair proceeds to examine that matter very closely.

Mr. GARO. Mr. Chairman, may I make one comment? Maybe you are now beginning to get the flavor of what I was going through all of these years. Because no one was listening.

Mr. BURTON. Well, we're listening; and we will contact Governor Weld to find out what transpired.

Mr. Shays.

Mr. SHAYS. Thank you, Mr. Chairman.

Mr. Chairman, I hope Mr. Delahunt continues to participate in these hearings that we will be having.

I have a close friend named Austin McGuigan, who is the Chief State's Attorney in Connecticut; and 20 years ago he predicted to me that some day there would be a story about the corruption that existed in the FBI operation in New England. Part of what motivated him to say that is that he was questioning witnesses that were being—in dealing with the World Jai Alai, and they were being murdered. And he was puzzled by the fact that so many retired FBI agents were working for organized crime in Connecticut.

I have such a difficult time understanding the early stages of this. Mr. Salvati, I need to ask you a question, too, and I'm sure I will understand it after you tell me, but, first, was this trial a jury trial or was it a trial by a judge?

Mr. SALVATI. Jury trial.

Mr. SHAYS. Jury trial.

Mr. SALVATI. Yes.

Mr. SHAYS. Was it pointed out that the witness had an incredible, despicable record? Was it made clear to the jury?

Mr. SALVATI. Yes, and they used that to say that you need the bad guy to catch the bad guy.

Mr. SHAYS. OK. Didn't you have an alibi?

Mr. SALVATI. No, I did not.

Mr. SHAYS. Explain that to me. You were somewhere.

Mr. SALVATI. I don't know where I was that night.

Mr. SHAYS. That is because——

Mr. SALVATI. Because I wasn't there. Why do I need an alibi?

Mr. SHAYS. What you don't have is what I have. I have a Franklin planner, and I can tell you where I was. Obviously, we didn't have Franklin planners then, and you didn't have one. But I'm smiling because I am so incredulous. Because there was such a timeframe between—it would be like asking me what I did——

Mr. GARO. 2½ years earlier.

Mr. SHAYS [continuing]. So I would have had to have identify now what I did 2½ years earlier on a particular day.

Mr. SALVATI. Right.

Mr. GARO. And, Mr. Congressman, that's what is so unbelievable, is that Joe Salvati did not invent an alibi and did not create an alibi. He just said, look, I wasn't there. I don't know where I was, but I certainly wasn't there, because I had nothing to do with that situation.

Mr. SHAYS. The problem for me is someone who—this is causing me——

Mr. BURTON. Would the gentleman yield?

Mr. SHAYS. It makes me wonder about so many things I have read and heard.

Mr. BURTON. Let me ask you about one question that needs to be asked, but I hope it's not too uncomfortable for you. But in your first trial there were a number of defendants along with you, and others who were innocent of this crime as well as you, and we have been told that that the head of the Mafia up there paid the legal expenses for everybody that was involved in that case. Is that correct?

Mr. SALVATI. No, it's not.

Mr. BURTON. Who paid for your legal expenses?

Mr. SALVATI. I paid whatever I had saved, and they ran a benefit for me, and that was it.

Mr. BURTON. So you paid for your own legal expenses.

Mr. SALVATI. Yes.

Mr. BURTON. So the information I have was erroneous then.

Mr. Shays.

Mrs. SALVATI. Excuse me. I can attest to that. Because we had a fundraising in the community, and the little money we had we put toward legal counsel for him, and he didn't have the best.

Mr. BURTON. OK, thank you very much.

Mr. Shays.

Mr. SHAYS. I would like to make mention to exhibit 11 which Mr. LaTourette had showed earlier. I'd love to have you turn to the third—and it's the third to the last paragraph.

Just explain to me, first, Mr. Garo, what this exhibit is. It is my understanding this is the Police Department of Chelsea's statement by the officer, Lieutenant Thomas Evans, of what he saw when he investigated this crime.

[Exhibit 11 follows:]

Statement by Lieut.Thomas F.Evans Chelsea Police Department.

On March 12,1965 I received a call from the station that a man had been shot and was in the alley in the rear of the Lincoln National Bank.I received this call at 11:15P.M.

I arrived at the above location at approximately 11:30 P.M.In this alley at that time were Chief Burgin,Lieut.Fothergill,Sergt.Charles McHatton,Capt.Renfrew and Officer James O'Brien.There were about fifteen or twenty people standing about the sidewalks and street that were being kept away from the alley by other uniformed officers.

On eneering this alley a distance of thirty feet,I observed a man who I knew as Edward "Teddy" Deegan lying on his back with his feet in the direction of Fourth St.He was fully clothed with a suit and topcoat,white shirt but no tie.There were gloves on his hands.There was a 12"screwdriver with a black handle and red top on the ground about ten inches from his left hand.There was a fresh pool of blood by his left knee and blood appeared to be still oozing from the rear of his head.There were two metal clad doors ajacent to the body that lead into a office building at #375 Broadway.These doors are 4'8" X 6'3"in height.The alley is 203'long and 8'wide from the sidewalk on Fourth St.to approximately 105' into the alley where it then widens 9'6".There is a fire escape on the left side of the alley about 140' in from Fourth St.This escape is for the tenants at #387 Broadway.

Officer O'Brien told me that he was checking doors prior to making his 11 P.M.ring at Box #22(Broadway & Fourth Sts)and when he went into the above alley he observed a figure crouched over by the above mentioned doors on closer observation with his flash light he observed the blood.He then went to Box #22 and called for assistance O'Brien stated he had last tried these doors at 9 P.M.all was okay. At that time he had put the lights on in the alley.These lights are controlled by a switch that is located on the door casing on the last doorway on the left side of the alley.(Putting these lights on at dusk is the regular routine of the Officers that work route #12.) When O'Brien found the body the lights had been turned off and the door leading into the rear of 375 Broadway was open.

Lieut.Edward Fothergill gave me two complete metal jacket bullets with a right hand rifling twist,one smaller jacketed bullet with full metal jacket also four pieces of copper jacket and a piece of lead core that had been picked up in the alley. I later turned these over to Lieut.John F.Collins of State Police Firearms Identification.Lieut.Fothergill told me that they had to move Deegans bodyyfrom a crouched position to one lying flat on his back so that they could enter the open doorway and make search of the hallways of #375 Broadway.Nothing was found.

Shortly after I had arrived at the scene Attorney Alfred Farese accompanied by Anthony J.Stathopoules,he was allowed into the alley where he made identification of Deegan.He then was engaged in conversation with Chief Burgin and Capt. Renfrew.I was later informed by the Chief and Capt.that Farese had stated that he had received a telephone call from a former client that Deegan and Roy French were in trouble in Chelsea and had been arrested while doing a B & E.This client also told him that a policeman was to make arrangements to leave the door open.

EXHIBIT 11

As a result of having the above information given to me,I spoke to Farese and he repeated the story to me. I asked him if Stathopoulos was the former client of whom he spoke and he said no that he had

asked Stathopoulos to give him a ride to the Chelsea Police Station.He would not reveal the name of this party.

Dr.Meyer Kraft came to the scene and pronounced Deegan dead at 11:43 P.M. The Medical Examiners Office had been notified and Dr.Luongo came to the scene and viewed the body and removed same.

I had received information from Capt.Joseph Kozlowski that about 10 P.M.he had observed a red motor vehicle parked on Fourth St about 150' from the alley in question and there were three men in this car,two in front and one in the rear.He observed the first three digits of this plate as 404 but could see no other numbers as the plate had been bent over from right to left.As he went over to discuss the plate with the occupants the car pulled away from the curb and made a right turn on Broadway.

At approximately 12:30 A.M.on 3-13-65 with Capt.Renfrew, Det.Moore,Revere detectives and myself we went to the Ebb Tide on the Revere Beach Boulevard and made observations of a red,1963 Olds.Conv.Mass.Reg.404-795 that was registered to Joseph Martin of 19 Fleet St.No.End Boston.The plate on the rear of this vehicle was creased down the middle.We went into the cafe and told Wilfred Roy French that were were placing him under arrest for S.P.of a Felony-Murder and that were would be taking him to the Chelsea Police Station.I then requested Martin to bring his car to the station and he agreed to do so.Franis Imbuglia went along with Martin in Martin's car. On arriving at the station I had French taken up to the detective bureau and Martin and Imbuglia waited down stairs in the Seargeants room.With Capt.Renfrew I had Capt. Kozlowski view Martin's car that was parked in front of the station. He stated that the car looked like the one that he had seen earlier in the evening on Fourth St.but that he could not say it was the car.We then went into the Seargeants room to talk with Martin but both he and Imbuglia said they had nothing to say and that if it was not a pinch that they were going to leave. They then left the station.Capt.Kozlowski could not recognize these men.

I them went up to the detective bureau with Capt.Renfrew where I informed French of his rights.He said that he would have nothing to say until he spoke to his lawyer.At about 1:45 A.M. his Attorney,John Fitzgerald of Farese's office,arrived and had a conversation with French.French then gave us the information necessary for the booking card.In reply to a question of his occupation he stated that he was employed as a Maitre De at the Ebb Tide at a salary of $100.00 weekly.Asked as to what time he had gone to work on the evening of 3-12-65 he said that he had gone to work about 8 P.M. and had been there until we had taken him from there. At this point French refused to answer any more questions.I had Capt.Kozlowski look at French but he could not recognize him as being ~~being~~ in the car that he had observed earlier. I then observed what appeared to be bloodstains on the right sleeve of French's coat and also on his right shoe.It appeared that a attempt had been made to remove these stains by rubbing them. I had Capt.Renfrew view these objects.I then asked French how he had this blood on the coat and shoes.French said that while working at the Ebb Tide on 3-12-65 that there had been two different fights and that while breaking them up he had got blood on his clothes.A later check with one Joseph Errico of 37 Atwood St.Revere,a reserve police officer

of the Revere Police Department,reveals that Errico had been working on Friday and Saturday nights at the Ebb Tide for the past month.He goes to work at 9:15 P.M. until 1:30 A.M. He stated while working on 3-12-65 that some unknown fellow had been bothering a girl and that a other unknown party had punched this fellow cutting him about the eye and causing him to bleed profusely.States that because of the numbers of people in the Cafe that he could not say if French had left the place or not.He could not remember what time that this fight had occured.Also employed as a special police officer at this cafe is one Richard Currie of 39 Agawam St.Revere from whom we received no information.

French was allowed to sign a release waiver and leave the station with his attorney John Fitzgerald.

On the morning of 3-13-65,by arrangement,I had Attornies Farese,Fitzgerald and Anthony Stahopoulos come to the detective bureau where I again asked Farese to repeat his story of the previous evening relative to his exclient calling him to tell him of Deegan and French having been arrested by the Chelsea Police.He repeated the same story.I asked if this caller was at present a client of his and he said no.I asked for the name of his informant and he refused to name him.I asked if the name of the police officer who was alleged to have left the door open was known to him and he said no.

Stahopoulos refused to answer questions on advice of his attorney.

Attorney Fitzgerald informed me that he had received a telephone call from Deegan at 8:15 P.M.on 3-12-65 and that he could hear music in the background.I asked Fitzgeral the reason for the call and he told me that Deegan called him every night to let him know that he (Deegan) was okay.

I received information from Capt.Renfrew that a informant of his had contacted him and told him that French had received a telephone call at the Ebb Tide at 9 P.M. on 3-12-65 and after a short conversation he had left the cafe with the following men; Joseph Barboza,Ronald Cassesso,Vincent Flemmi,Francis Imbuglia, Romeo Martin,Nicky Femia and a man by the name of Freddi who is about 40 years old and said to be a "Strongarm".They are said to have returned at about 11:P.M. and Martin was alleged to have said to French,"We nailed him".

Information received from a Mr.John T.Asten a tenant in apartment #8 at #387 Broadway. Asten states that at 9:30 P.M. on 3-12-65 he heard five sharp cracks and went out onto the fire escape which leads into the alley in question and that the lights were out in the alley and he could see or hear nothing.

I spoke with Vito Pagliarulo,age 55,of 98 Carroll St. Chelsea who is employed as a janitor at 375 Broadway and he informed me that he had left work on 3-12-65 at 3P.M. and he did not know if the rear door had been locked at this time or not.

Mr. GARO. What this document represents, Mr. Congressman, is the investigation done by Lieutenant Evans and his partner Bill Moore on the night of the murder and the next day of the murder and what they observed and what they have found out from all different sources.

Mr. SHAYS. And the Chelsea Police Department is a small police department.

Mr. GARO. Not that small. A good size.

Mr. SHAYS. How big is the town, the community of Chelsea?

Mr. GARO. I can't tell you.

Mr. SHAYS. Is it part of Boston?

Mr. GARO. Yes, it is a suburb of Boston.

Mr. SHAYS. But it is its own entity, its own community.

Mr. GARO. Yes, it is.

Mr. SHAYS. But this was the report of the officer who was investigating.

Do I have your permission to proceed, Mr. Chairman.

Mr. BURTON. Yes.

Mr. SHAYS. And this is a document that was not made available to the prosecutor or the defendant.

Mr. GARO. That is correct.

Mr. SHAYS. And this is a document that at one time people denied even existed?

Mr. GARO. That is correct.

Mr. SHAYS. What I don't understand, though, is Lieutenant Evans knew it existed because he wrote it.

Mr. GARO. That is correct.

Mr. SHAYS. So when Mr. Evans says in this paragraph—excuse me, it's not Mr. Evans, he's Lieutenant Evans—I received information from Captain Renfrew—did he work in the department?

Mr. GARO. Yes, he did.

Mr. SHAYS [continuing]. That an 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 March 12, 1965; and after a short conversation he left the cafe with the following men. And then it lists six people: Joseph Barboza, Ronald Cassesso, Vincent Flemmi, Francis Imbuglia, Romeo Martin and Nicky Femia, and a man by the name of Freddie, who is about 40 years old and said to be a "strong man." They are said to have returned at 11 p.m., and Martin was alleged to have said to French, we nailed him.

Now this was actually in a police document.

Mr. GARO. That is correct.

Mr. SHAYS. What I don't understand is there is more than one person who is aware of this document.

Mr. GARO. Correct.

Mr. SHAYS. Who did you ask this document for and who denied it existed?

Mr. GARO. Well, first of all, I obtained a copy of this document, Mr. Congressman, about 3 weeks before the beginning of the commutation hearing in August 1989.

Mr. SHAYS. August 1989.

Mr. GARO. I received it about 3 weeks before.

Mr. SHAYS. Where did you receive it from?

Mr. GARO. I would rather not disclose that, Congressman.

Mr. SHAYS. Was it in the possession of the Chelsea Police Department.

Mr. GARO. That's an interesting story, and if I could answer that, Mr. Congressman. When I had obtained a copy of this document, I used it on the commutation hearing of Mr. Salvati. And when Governor Weld denied the commutation back on January 20, 1993 because of his long criminal record, etc., I said I needed someone in the press to start helping me. And I found a wonderful ally who has done a wonderful job, Dan Rea, who is here today in chambers, and Dan has done wonderful investigative reporting in the case, also.

When I showed him the report in March 1993, he then went out and did his own investigation also. He went to the Chelsea Police Department, and he said, do you have an old file on the Deegan murder case? And they said, I'll go look for one. Lo and behold, they came back with a folder. The first document he opens up is the original of this document. So that the original of this document was in a small file folder on the Deegan murder case.

Mr. SHAYS. I thought you said they didn't have the document.

Mr. GARO. That's what they said.

Mr. SHAYS. They is what——

Mr. GARO. If what you're being confused about—and I know you're not confused—is this: Are you saying the Chelsea Police Department conspired with the FBI in this case, the answer is yes. Do I think that the Boston Police Department conspired with the FBI office in this case? Yes, I do. Do I believe that certain police officers associated and did things with the FBI concerning this case? The answer is yes. Because for this document to come out, Congressman, then they would be coming out with information about informants.

Mr. SHAYS. Why weren't you able to get the document when someone from the police was able to get the document? Explain that to me.

Mr. GARO. No one ever looked at that time.

You have to understand, Congressman, no one wanted to talk about this case.

Mr. SHAYS. In other words, when you asked, they didn't even bother to look.

Mr. GARO. When was that? I was not the trial counsel.

Mr. SHAYS. Didn't you ask for this document earlier?

Mr. GARO. No, no. I obtained a copy of it 3 weeks before my commutation hearing.

Mr. SHAYS. I'm sorry. If I can just make sure. I am confused.

Mr. GARO. I'm sorry. I'm confusing you.

Mr. SHAYS. It's not your fault.

I want to know this. You would have clearly gone to the Chelsea Police Department to ask for any record they had. You did that before, correct?

Mr. GARO. There were no documents that were ever turned over to me from the Chelsea Police Department having anything to do with Salvati's case.

Mr. SHAYS. And you did ask for it.

Mr. GARO. The lawyers had asked for it. There were motions filed, and the request made. It would almost seem, Mr. Congress-

man, didn't it, that maybe somebody had been keeping that document hidden for a lot of years.

Mr. SHAYS. I'm saying you didn't specifically ask for it. It didn't come into your possession, and you didn't feel you had to ask for it. You would have thought it had to have been given to you. And it just so happens that someone asked for this document, and they were handed it.

Mr. GARO. What happened, Mr. Congressman, in reading the 8,000 pages of transcript, you would come to find out that all the reports they had were in evidence. This was an additional document.

Mr. SHAYS. I hear you. I hear you. This is something totally——

Mr. GARO. That is correct—out of the blue. That is why I said, Mr. Congressman, the most important document that I ever received in the case, because this hidden Chelsea Police Department shows who the real killers were.

Mr. SHAYS. What strikes me is that Lieutenant Evans didn't somehow feel compelled to come forward. But also Captain Renfrew, did you ever speak to him?

Mr. GARO. Captain Renfrew would not speak to me.

Mr. SHAYS. And he's living today.

Mr. GARO. He died.

Mr. SHAYS. And evidently Lieutenant Evans——

Mr. GARO. He passed away.

Mr. SHAYS. Well, I will say to all three of you that I rejoice in the fact that, Mr. Salvati, that you're out and, Mrs. Salvati, that you get to hug your husband without anyone watching. But I wonder now who else is like you, Mr. Salvati, who is still there, and maybe he doesn't have a lawyer like Mr. Garo, and I wonder how many people died in prison who were in your circumstance and were not able to celebrate their being out.

Mr. GARO. More than a few, Congressman, more than a few.

Mr. SHAYS. Thank you.

Mr. BURTON. Let me just say to my colleague we will, as far as we can—we can't cover every case that took place up in the Boston area, but any case involving Barboza and others we will try to get information, and if we find that there are similar circumstances we will look into them.

Mr. Meehan.

Mr. MEEHAN. Thank you, Mr. Chairman; and, Mr. Chairman, I want to thank you for holding this hearing. This is a critically important case. The revelations about the relationship between the Boston FBI agents and Boston area underworld figures are obviously are a matter of concern to us in Massachusetts but really to the entire country.

To get back to what Congressman Shays has just indicated, this isn't just a question of what happened in this case or what happened in a series of cases but a culture in the FBI that may be taking place or have taken place not only in Boston but throughout the country.

I want to go quickly to this 1993 report. You had indicated that WBZ's Dan Rea had a police report that was found in a file in 1993.

Mr. GARO. Yes, Mr. Congressman.

Mr. MEEHAN. Where had it been all these years?

Mr. GARO. I don't know.

Mr. MEEHAN. Does anybody know?

Mr. GARO. You will probably have to ask somebody on the Chelsea Police Department, Mr. Congressman.

Mr. MEEHAN. Well, Mr. Chairman, I want to thank you, Congressmen Frank and Delahunt, and I appreciate the fact that we can participate here.

We had called for congressional hearings not because we wanted to cripple the FBI. We respect what the FBI does on a daily basis to protect people from violence and terrorism and fraud. But I think, at a minimum, we want to find out the truth. Because sunlight and accountability ultimately prevent a repeat of the mistakes that have severely tarnished the FBI here.

We also want the truth to come out so that Mr. Salvati and others whose lives have been shattered at least can be heard. They deserve so much more than that, but, at a minimum, they deserve to be heard.

Actually, I called for hearings as far back as the summer of 1998 when the relationship between the FBI agents and two particular Boston area gangsters was revealed. In general, this isn't a new story for us from Boston, but the revelations that have been leaking out over the 4 or 5 years with Judge Wolf's 260-page opinion being, from my perspective, a watershed event in pulling back the curtains of decades of the incestuous relationship between the agents and the informants and the destructive consequences. I didn't know much or focus back in the summer of 1998.

The most tragic part of this story, the most tragic thing of all is one that we hear today. It's hard to believe that this could happen in America. It is hard to believe that FBI agents could know of a murder in the making and not stop it from happening. It's hard to believe that FBI agents could know a man was innocent of a crime yet allow him to be jailed for what was to be life.

We've heard about the process with the Governor—first, Governor Dukakis and then Governor Weld, and to allow him to be stripped from his family, his life, his liberty—and the FBI says they were forthcoming. They say they didn't conceal information indicating Mr. Salvati's innocence, and they didn't attempt to frame anybody. Well, there is plenty of dispute here over how the FBI handled the information it received in this case, the information exonerating Mr. Salvati.

But one way or the other, I think that we deserve better than "we didn't attempt to frame anyone." It is the FBI's job to protect us. Obviously, it failed miserably here.

Ultimately, we can never undo the pain and suffering inflicted in this case. At least we can offer apologies. We can ensure that this doesn't happen again.

One of the issues is the so-called guidelines that the Justice Department has reported. But I can't help but look back to early in the Ford administration, I think it was Attorney General Levi went through a process of guidelines at that time, but they didn't seem to have much in effect here. The guidelines didn't affect the culture of the FBI.

I would add, Mr. Chairman, that at the time, the early 1970's, it was a congressional hearing shedding light on that process of guidelines that resulted in getting the new guidelines and resulted in putting some guidelines that at least took into account—so that's why these hearings are so critical, Mr. Chairman.

But I wonder if you have a perspective, Mr. Garo, as to how you change this culture. It is one thing to make guidelines and to have hearings and continue—I am happy to hear the chairman is going to continue this process, get information and get to the bottom of it. How do you change the culture, notwithstanding the attempt to have guidelines?

Mr. GARO. I don't think you can just do it, build guidelines. I think there has to be some checks and balances that are in there.

What I'd offered earlier, Mr. Congressman, is this, is that whenever guidelines or anything comes down of the government doing its own checks and balances, that never works. What happens is we have in Massachusettes a wonderful organization called the Massachusettes Association of Criminal Defense Lawyers; and it would seem to me, Mr. Congressman, that when and if this committee or if your committee in the future investigates further, that some of the more practicing attorneys—because I don't practice criminal law anymore, Mr. Congressman——

Mr. MEEHAN. The case burned you out, huh?

Mr. GARO [continuing]. And I'm not looking for more business like this.

But Mr. Balliro is here. Mr. Bailey is here. They are wonderful criminal defense lawyers. Actually, they're the ones that should be part of any process in the future because that is where the tire meets the road. They're out there every day fighting the system. And we were told in law school that the system has to work for the very worst of us to work for the very best of us.

Mr. MEEHAN. I was detained earlier. You think this case has been frustrating. I was in a meeting. We are trying to get campaign finance reform passed, and I am reminded of the frustrations trying to do that with a lot of the frustrations you have had.

But I wanted to ask you, the Supreme Court in *Brady* v. *Maryland, Rivero* v. *the United States,* held the government had certain obligations to give exculpatory information to defendants in criminal cases; isn't that right?

Mr. GARO. Absolutely.

Mr. MEEHAN. Could you explain in general terms what that means?

Mr. GARO. What it means in the general sense is the government is a human being. It doesn't just look to convict. It looks for justice.

What they're looking for there shouldn't even have to be a rule of law like Brady. If there's a situation and you have evidence of a person as being innocent and you're going to put him to death in the electric chair, you would think that human rights and human decency—forgetting the law—would make the government want to comply with that. But, as we know, they didn't obey the law, they didn't obey their conscience. It is, the truth be damned, full blown speed ahead for convictions only.

Mr. MEEHAN. In the Rivero case, the court stated specifically where the disclosure of an informer's identity or the content of his

communication is relevant and helpful to the defense of an accused or is essential for a fair determination of a case, the information must be disclosed or the case must be dismissed. Now is that your understanding what the law was at the time of Mr. Salvati's trial?

Mr. GARO. That was a 1959 Supreme Court of the United States' decision. I had used it successfully many times in the past. I don't have to tell Mr. Balliro or any of the good criminal defense lawyers that were involved in the Deegan murder case at the time. They knew all about those laws. That's the reason why, Mr. Congressman, it was withheld from them that there was informants.

Because, under Rivero, the law is, if you make a demand from an informant during trial and you can show it will be relevant and helpful, you will get the name of the informant 95 to 99 percent of the time. And if the government doesn't give it to you, the charges are dismissed.

Can you imagine how the chicanery was going on in the Boston office of the FBI, the Suffolk County District Attorney's Office, the Boston Police Department, the Chelsea Police Department, the U.S. attorney's office? If anybody finds out that we have informants and we don't give the name of the informants, we're going to blow the cases. I think that's a pretty big incentive not to come forward with the fact that there were informants in this case.

Mr. MEEHAN. So in this case the government failed to disclose this information to the defense because——

Mr. GARO. It could have—since they would have never given away the names of informants, they would have had to dismiss the cases. I had done that myself about a year earlier in 1966. I understood the *Rivero* case very, very well because I used it many sucessful times.

Mr. MEEHAN. So if the system had worked correctly in this case how should the government have handled the information received from the confidential informants?

Mr. GARO. If they're looking for the truth and you don't want to put someone in prison or to die in the electric chair, you would think that the common decency is that—let me give them this evidence. But if I am bent only on convictions and I have an agenda that I don't want to share with anybody else, I am looking to hide all the good evidence, conjure and perjure and make up the bad evidence and let's go with the convictions—because, as has been stated, the criminal—the Witness Protection Program began with Joseph Barboza. I say it was a misnomer. I say it was the criminal protection program, and it wasn't the Witness Protection Program. When Joe Barboza went out to California under the Witness Protection Program, he killed three to five more people. He's in the Federal Witness Protection Program, and he is killing people in California.

As a matter of fact, he goes to trial on a first degree murder case in 1971 and is still in the Witness Protection Program. And the head of the organized strike force and two FBI agents go out to California and help the defense of Barboza in his 44-day trial of a first degree murder case by saying he was a good guy and he helped us with crime back here.

Mr. Bailey will be able to tell you more about that because he was going to be a witness out there, and that's what caused—it

was said—Barboza to finally plead to second degree murder while in the Federal Witness Protection Program and get a sentence, I believe, that is 5 to life. And he has killed others, and no one wanted to investigate it. No one wanted to talk about it.

Mr. DELAHUNT. Would the gentleman yield for a moment?

Mr. MEEHAN. Sure.

Mr. DELAHUNT. Mr. Garo, I'm aware of the fact that two FBI agents testified on behalf of Mr. Barboza in that capital case. Could you identify them for the record?

Mr. GARO. H. Paul Rico and Dennis Condon.

Mr. DELAHUNT. Thank you.

Mr. MEEHAN. What's really repulsive about the behavior in this case is, before I got elected to Congress, I was a first assistant district attorney in Middlesex County up in Massachusetts. We take young lawyers and we take them into the office and train them, basically a training ground; and we teach the ethics of making sure that they balance the enormous power that the prosecutor has with making sure that the police are getting it right, making sure that they always maintain their responsibility, their integrity to disclose exculpatory information and to get it right. I know that's the way Mr. Delahunt's office operates, and to see that it can get this bad is just very very concerning.

Again, Mr. Chairman, I look forward to participating with you further.

Mr. BURTON. I hope you gentleman will be able to be with us for the next panel. We have some interesting testimony coming there as well. Thank you.

Mr. LaTourette.

Mr. LATOURETTE. Thank you, Mr. Chairman.

Mr. Garo, I want to go back to exhibit 11 just to clean up some stuff, if I can. Those of us that have been involved in prosecutions and law enforcement know that there are informants and there are informants. I think you were talking to Mr. Delahunt earlier about that fact, and I think you indicated that in the various reports you think there may have been up to three different informants supplying law enforcement with information concerning this homicide.

Exhibit 11 to the layman is startling because it indicates very early on, even though it's not dated, very early on Lieutenant Evans had information from an informant as to who the murderers of Mr. Deegan were. My question is, given the fact that there are informants that are good informants and there are bad informants, did you ever discover who the informant was that supplied this information to the Chelsea Police Department back in 1965?

Mr. GARO. No, the identity of that informant has not been made known yet.

Mr. LATOURETTE. When I had the chance to talk to you before in my 5 minutes, I asked you who John Doyle was. It sort of brought a smile to your face, and you sort of indicated it was a long story, and you identified what his position was. But I want to spend the rest of my time, if I could, talking to you about what it is he did or didn't do in this case; and, specifically, the staff of this committee has indicated to me that after this document came to light that it may have been offered or brought to his attention. Is there such a story you can relate to us?

Mr. GARO. Yes, there is; and I'll gladly share it with you. Dan Rea, who was the only voice that I had for this case from 1993, had been talking to—we call him Commander Doyle, and he wanted to know from Doyle—he had a relationship with Mr. Doyle for many years, and Dan told him that he was getting involved in the case with me. And he says, why do you want to do that? That's a dead end case. Why don't you just forget about it and go on home? And Dan said, no, I think it's a story that I'm going to follow. He says, I think you're barking up the wrong tree. Dan at that time had then found the original of the police report in the Chelsea Police Department.

Mr. LATOURETTE. Was there a public record law that was passed in Massachusetts when all of this took place?

Mr. GARO. Yes. And at that time when Dan found it and he told me all about it and he was very surprised and I was shocked, and with that document what he did was he called up Commander Doyle. And he said to Commander Doyle—this is what has been relayed to me, now.

Mr. LATOURETTE. Sure.

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

Mr. LATOURETTE. Was that in 1989?

Mr. GARO. No, that happened in 1993.

Mr. LATOURETTE. 1993. OK. But at that time you had a copy of it.

Mr. GARO. I had a copy of it for 4 years.

Mr. LATOURETTE. And your client had been in prison for over 20 years.

Mr. GARO. That is correct.

Mr. LATOURETTE. And still an additional 4 years went by before he was released from prison.

Mr. GARO. That is correct.

Mr. LATOURETTE. Thank you very much. I don't have any other questions.

Mr. BARR [presiding]. Ms. Holmes Norton, did you have some questions for the panel?

Ms. HOLMES NORTON. No.

Mr. BARR. Mr. Shays, do you have some additional questions?

Mr. SHAYS. I do.

Mr. BARR. The gentleman from Connecticut is recognized for 5 minutes.

Mr. SHAYS. Thank you. I have a few, yes, sir.

I would like to go through this fairly quickly. I would like exhibit 11 to be put up. Exhibit 11 is the report of the Chelsea Police Department, Lieutenant Evans. There is a report of the city of Boston. And what's very interesting about it is this is a report of the murder of Teddy Deegan in Chelsea on March 12.

It's dated March 14, and it says, "From a reliable informant the following facts were obtained to the murder: Informant states that the following men"—and it goes through the list of men, and here it identifies Freddie as being Freddie Chiampi, and it goes on and on and on. But basically it confirms what was pretty much in the memo, the report from Thomas Evans. So they had an informant. The city of Boston had their informant.

Now is this a document that you were provided years ago.

[Exhibit 11 follows:]

Page # 1

Statement by Lieut.Thomas F.Evans Chelsea Police Department.

On March 12,1965 I received a call from the station that a man had been shot and was in the alley in the rear of the Lincoln National Bank.I received this call at 11:15P.M.

I arrived at the above location at approximately 11:30 P.M.In this alley at that time were Chief Burgin,Lieut.Fothergill,Sergt.Charles McHatton,Capt.Renfrew and Officer James O'Brien.There were about fifteen or twenty people standing about the sidewalks and street that were being kept away from the alley by other uniformed officers.

On eneering this alley a distance of thirty feet,I observed a man who I knew as Edward "Teddy" Deegan lying on his back with his feet in the direction of Fourth St.He was fully clothed with a suit and topcoat,white shirt but no tie.There were gloves on his hands.There was a 12"screwdriver with a black handle and red top on the ground about ten inches from his left hand.There was a fresh pool of blood by his left knee and blood appeared to be still oozing from the rear of his head.There were two metal clad doors ajacent to the body that lead into a office building at #375 Broadway.These doors are 4'8" X 6'3"in height.The alley is 203'long and 8'wide from the sidewalk on Fourth St.to approximately 105' into the alley where it then widens 9'6".There is a fire escape on the left side of the alley about 140' in from Fourth St.This escape is for the tenants at #387 Broadway.

Officer O'Brien told me that he was checking doors prior to making his 11 P.M.ring at Box #22(Broadway & Fourth Sts)and when he went into the above alley he observed a figure crouched over by the above mentioned doors on closer observation with his flash light he observed the blood.He then went to Box #22 and called for assistance O'Brien stated he had last tried these doors at 9 P.M.all was okay. At that time he had put the lights on in the alley.These lights are controlled by a switch that is located on the door casing on the last doorway on the left side of the alley.(Putting these lights on at dusk is the regular routine of the Officers that work route #12.) When O'Brien found the body the lights had been turned off and the door leading into the rear of 375 Broadway was open.

Lieut.Edward Fothergill gave me two complete metal jacket bullets with a right hand rifling twist,one smaller jacketed bullet with full metal jacket also four pieces of copper jacket and a piece of lead core that had been picked up in the alley. I later turned these over to Lieut.John F.Collins of State Police Firearms Identification.Lieut.Fothergill told me that they had to move Deegans bodyyfrom a crouched position to one lying flat on his back so that they could enter the open doorway and make search of the hallways of #375 Broadway.Nothing was found.

Shortly after I had arrived at the scene Attorney Alfred Farese accompanied by Anthony J.Stathopoules,he was allowed into the alley where he made identification of Deegan.He then was engaged in conversation with Chief Burgin and Capt. Renfrew.I was later informed by the Chief and Capt.that Farese had stated that he had received a telephone call from a former client that Deegan and Roy French were in trouble in Chelsea and had been arrested while doing a B & E.This client also told him that a policeman was to make arrangements to leave the door open.

EXHIBIT 11

As a result of having the above information given to me,I spoke to Farese and he repeated the story to me. I asked him if Stathopoulos was the former client of whom he spoke and he said no that he had

asked Stathopoulos to give him a ride to the Chelsea Police Station.He would not reveal the name of this party.

Dr.Meyer Kraft came to the scene and pronounced Deegan dead at 11:43 P.M. The Medical Examiners Office had been notified and Dr.Luongo came to the scene and viewed the body and removed same.

I had received information from Capt.Joseph Kozlowski that about 10 P.M.he had observed a red motor vehicle parked on Fourth St about 150' from the alley in question and there were three men in this car,two in front and one in the rear.He observed the first three digits of this plate as 404 but could see no other numbers as the plate had been bent over from right to left.As he went over to discuss the plate with the occupants the car pulled away from the curb and made a right turn on Broadway.

At approximately 12:30 A.M.on 3-13-65 with Capt.Renfrew, Det.Moore,Revere detectives and myself we went to the Ebb Tide on the Revere Beach Boulevard and made observations of a red,1963 Olds.Conv.Mass.Reg.404-795 that was registered to Joseph Martin of 19 Fleet St.No.End Boston.The plate on the rear of this vehicle was creased down the middle.We went into the cafe and told Wilfred Roy French that were were placing him under arrest for S.P.of a Felony-Murder and that were would be taking him to the Chelsea Police Station.I then requested Martin to bring his car to the station and he agreed to do so.Franis Imbuglia went along with Martin in Martin's car. On arriving at the station I had French taken up to the detective bureau and Martin and Imbuglia waited down stairs in the Seargeants room.With Capt.Renfrew I had Capt. Kozlowski view Martin's car that was parked in front of the station. He stated that the car looked like the one that he had seen earlier in the evening on Fourth St.but that he could not say it was the car.We then went into the Seargeants room to talk with Martin but both he and Imbuglia said they had nothing to say and that if it was not a pinch that they were going to leave. They then left the station.Capt.Kozlowski could not recognize these men.

I them went up to the detective bureau with Capt.Renfrew where I informed French of his rights.He said that he would have nothing to say until he spoke to his lawyer.At about 1:45 A.M. his Attorney,John Fitzgerald of Farese's office,arrived and had a conversation with French.French then gave us the information necessary for the booking card.In reply to a question of his occupation he stated that he was employed as a Maitre De at the Ebb Tide at a salary of $100.00 weekly.Asked as to what time he had gone to work on the evening of 3-12-65 he said that he had gone to work about 8 P.M. and had been there until we had taken him from there. At this point French refused to answer any more questions.I had Capt.Kozlowski look at French but he could not recognize him as being ~~being~~ in the car that he had observed earlier. I then observed what appeared to be bloodstains on the right sleeve of French's coat and also on his right shoe.It appeared that a attempt had been made to remove these stains by rubbing them. I had Capt.Renfrew view these objects.I then asked French how he had this blood on the coat and shoes.French said that while working at the Ebb Tide on 3-12-65 that there had been two different fights and that while breaking them up he had got blood on his clothes.A later check with one Joseph Errico of 37 Atwood St.Revere,a reserve police officer

of the Revere Police Department,reveals that Errico had been working on Friday and Saturday nights at the Ebb Tide for the past month.He goes to work at 9:15 P.M. until 1:30 A.M. He stated while working on 3-12-65 that some unknown fellow had been bothering a girl and that a other unknown party had punched this fellow cutting him about the eye and causing him to bleed profusely.States that because of the numbers of people in the Cafe that he could not say if French had left the place or not.He could not remember what time that this fight had occured.Also employed as a special police officer at this cafe is one Richard Currie of 39 Agawam St.Revere from whom we received no information.

French was allowed to sign a release waiver and leave the station with his attorney John Fitzgerald.

On the morning of 3-13-65,by arrangement,I had Attornies Farese,Fitzgerald and Anthony Stahopoulos come to the detective bureau where I again asked Farese to repeat his story of the previous evening relative to his exclient calling him to tell him of Deegan and French having been arrested by the Chelsea Police.He repeated the same story.I asked if this caller was at present a client of his and he said no.I asked for the name of his informant and he refused to name him.I asked if the name of the police officer who was alleged to have left the door open was known to him and he said no.

Stahopoulos refused to answer questions on advice of his attorney.

Attorney Fitzgerald informed me that he had received a telephone call from Deegan at 8:15 P.M.on 3-12-65 and that he could hear music in the background.I asked Fitzgeral the reason for the call and he told me that Deegan called him every night to let him know that he (Deegan) was okay.

I received information from Capt.Renfrew that a informant of his had contacted him and told him that French had received a telephone call at the Ebb Tide at 9 P.M. on 3-12-65 and after a short conversation he had left the cafe with the following men; Joseph Barboza,Ronald Cassesso,Vincent Flemmi,Francis Imbuglia, Romeo Martin,Nicky Femia and a man by the name of Freddi who is about 40 years old and said to be a "Strongarm".They are said to have returned at about 11:P.M. and Martin was alleged to have said to French,"We nailed him".

Information received from a Mr.John T.Asten a tenant in apartment #8 at #387 Broadway. Asten states that at 9:30 P.M. on 3-12-65 he heard five sharp cracks and went out onto the fire escape which leads into the alley in question and that the lights were out in the alley and he could see or hear nothing.

I spoke with Vito Pagliarulo,age 55,of 98 Carroll St. Chelsea who is employed as a janitor at 375 Broadway and he informed me that he had left work on 3-12-65 at 3P.M. and he did not know if the rear door had been locked at this time or not.

Mr. GARO. I have never seen that document I think until Mr. Wilson showed it to me.

Mr. SHAYS. So even as we proceed in this case this is a document, and—is there a name identified, Mr. Wilson, with this document? Other than the city of Boston, we don't know who it is. This is December 12.

Mr. WILSON. If I could, this was a document that was provided to us by the FBI on Friday night of last week.

Mr. SHAYS. So the FBI had this document, and we have been provided it, and you have got it.

Then if you could look at exhibit 13. So we have the Chelsea Police Department and the Boston Police Department; and, Mr. Salvati, your name doesn't show up in this—in either one. And before—they knew it a few days before your trial, they knew it a few days after the murder that they had these informants.

Now this one is from the Department of Public Safety. Is that the State police?

[Exhibit 13 follows:]

Department of Public Safety

1010 Commonwealth Avenue, Boston 02215
March 15, 1965

VE BUREAU

o: Captain of Detectives Daniel I. Murphy
rom: Det. Lieut. Inspector Richard J. Cass

ubject: Homicide of Edward C. "Ted" Deegan

1. On Saturday, March 13, 1965, I went to the Chelsea Police Department to aid in the investigation re the death of Edward C. "Ted" Deegan, dob 1/2/30, of 17 Madison Street, Malden, in accordance with your instructions.

2. Officer James O'Brien, the routeman, stated that about 10:50 P.M. on Friday, March 12, 1965, while checking the doors on his route, he entered the alley in the rear of the Goldberg Building at 375 Broadway and found a body, later identified as Deegan, in a pool of blood in front of the open rear door of the building. He was apparently dead and was in a crouched position in front of the doorstoop. A screw driver was lying on the ground near the body. He notified the station. Dr. Kraft arrived at the scene and pronounced Deegan dead. The body was removed by the Medical Examiner, Dr. Luongo, to the Southern Mortuary. Officer O'Brien stated that at about 9:00 P.M. he had checked the alley and put the overhead light on before continuing his rounds. When he returned at about 10:59 P.M. the light was out and he entered the alley to make a check and discovered the body.

3. The Chelsea Police brought to the station one Anthony J. Stathopoulos, dob 9/22/34, medium complexion, 5'9", 165, brown hair and eyes of 17 Madison Street, Malden, and one Wilfred Roy French, dob 3/13/29, medium complexion, 6', 210, blue eyes, brown hair, of 31 Pleasant Street, Everett. Both subjects were released after questioning. Information was received by this officer that when French had been questioned there were spots on his trousers that appeared to be blood and an attempt had been made to wash it off. Lt. Evans of the Chelsea police stated he questioned French relative to the spots and French claimed that it was blood that came from a fellow who had a fight at the Ebbtide in Revere.

4. Israel Goldberg, owner of the building, was questioned and he said he left the building between 3 and 4 PM.

5. Vito Pagliarielo of 90 Carroll Street, Chelsea, custodian of the building, stated that he checked the rear door about 2:00 P.M. on Friday and it was locked. This door was a double door with slide locks on the top and bottom that had to be released by hand from the inside.

6. Attorneys John Fitzgerald and Alfred Farese were interviewed. Mr. Fitzgerald stated that he received a call from Deegan about 8:45 P.M. on Friday and that he received calls from Deegan every day.

7. Mr. Farese stated that about 10:15 P.M. on Friday he received a call from a client, whom he refused to identify, and the client stated that he heard Deegan had been in a gun fight with the police. Mr. Farese called the police station seeking to verify the information but the police knew nothing about it. Mr. Farese claimed that he called Stathopoulos who came over and rode him to the police station at about 11:05 PM. Upon their arrival, they were informed that Deegan was dead. They went to the scene of the crime and then returned to the police station where Stathopoulos was questioned by Lt. Evans and Capt. Renfrew and released.

8. During the investivation, information was received by this officer that Deegan, French and Stathopoulos had planned to break into the Beneficial Finance Company on the second floor of the Goldberg Building and that the rear door was to be left open for them.

9. During the eveing of Friday, March 12th, French was at the Ebbtide, 302 Boulevard, Revere, with Joseph Barboza aka Baron, Francis Imbuglia, Ronald Cassosa, Vincent "Jimmy" Flemmi, Romeo Martin, Nick Femia and a man known as "Freddy" who is a strong arm man. All the above men have criminal records. About 9:00 P.M., French received a phone call and the above group left the place with him.

10. About 9:30 P.M., Captain Joseph Kozlowski of the Chelsea Police was in the vicinity of Fourth Street about a half block from the scene of the crime and saw a red car with the motor running and three men sitting in it. Two men were in the front seat and one in the rear. The car was parked at the second meter from Broadway, on Fourt Street, between Broadway and Luther Place on the side near the Polish American Veterans Club. The Captain walked behind the car and noticed the rear number plate with the right half of the plate folded towards the center obstructing the last three digits. The first three numbers were 404---. He went to the drivers side of the car and rapped on the window notioning the driver to lower the window. The driver took off at a fast rate of speed and took a screeching turn to the right on Broadway. The Captain described the driver as Romeo Martin and the man in the back seat as stocky with dark hair and a bald spot in the center of the head.

11. Further information was received that about three weeks prior Deegan had pulled a gun on Barboza, aka Baron, at the Ebbtide and forced him to back down and that this was the cause of Deegan's death.

12. Unconfirmed information was received that Romeo Martin and Ronald Cassesa had entered the building and were waiting just inside the rear door. Stathopoulos was waiting on Fourth Street in a car and French and Deegan entered the alley. Deegan opened the rear door. He was shot twice in the back of the head and also in the body. The information at the time was that three guns were used. Lt. John Collins of Ballistics confirmed the report of three guns being used at a later time. Two men approached the car in which Stathopoulos was waiting and he took off.

13. A canvas of the neighborhood was made and Mrs. Grace Luciano of 12 Fourth Street, 2nd floor, and her daughter, Camille, both stated that about 10 P.M. or earlier they heard about 5 shots and they looked out the window on Division St., and saw two cars both racing their motors. One was a new black sedan and the other an old green sedan, make unknown. She saw a man running up the middle of Fourth St., toward Hawthorne about 5' 8", heavy build, dark hair, no hat, dark olive pants, brown waist coat. The account of the two cars was verified as a disabled car and a car that came to help him.

14. Information was also received that Martin's car had left the Ebbtide at 9:00 PM and had returned about an hour later and parked in a different place on its return.

Richard J. Cass
Detective Lieut. Inspector
Massachusetts State Police

Mr. GARO. State police.

Mr. SHAYS. And this is dated March 15. The murder occurred——

Mr. GARO. March 12.

Mr. SHAYS. So this is a pretty fresh document. It is not something they discovered a few years later.

I am looking at No. 9; and it says, on the second page, "During the evening of Friday, March 12, French was at the Ebb Tide"—and it goes on, and it basically mentions the same name, and really what—in this case, they seem to have gotten the report from the Chelsea Police Department. But the point is there is someone in the State police department that also was aware of the Chelsea report, because they mirror it almost perfectly.

Mr. GARO. Absolutely.

Mr. SHAYS. This is a document you got when?

Mr. GARO. This is a document that I received when the Suffolk County District Attorney's Office in October 1993 filed a brief in opposition to my motion for a new trial.

Mr. SHAYS. So just to reiterate, that was in 1993?

Mr. GARO. 1993.

Mr. SHAYS. But the report by Lieutenant Thomas Evans, Chelsea Police Department, wasn't dated, but it appears to be fairly current but—so we have the Chelsea Police Department, we can make an assumption it was done shortly after, if not right after——

Mr. GARO. The partner said that, Bill Moore said that.

Mr. SHAYS. And then we have the Boston Police Department talking about what informants it had, and then we have the Massachusettes Police Department—excuse me, State police on our document 13. And there it was dated March 15.

So, just a few days afterwards, this was made available to not just one person or two people, not just one department, but you had three different departments, two communities, plus the State police.

Mr. GARO. What you are having here, Congressman, that we never knew is that there were parallel investigations going on in the Deegan murder case shortly after it happened within March 12th to 15th, and none of us knew about this Cass report of the State police because in it they talk about a different motive.

If you were to look on page 3 of the Cass report, it says, on No. 11 at the top of the page, "Further information was received that about 3 weeks prior Deegan had pulled a gun on Barboza, aka Baron, at the Ebb Tide and forced him to back down and that this was the cause of Deegan's death."

Now Barboza had said that the motive for this was to get $7,500 from Peter Limone to kill Deegan. The State police at that time had another informant that was giving them information as to the real motive that Deegan was killed, and they sat on it.

Mr. SHAYS. But I would like to think that there is a fail-safe system that we have in, that somebody is going to step forward. It would seem to me that someone would want to think that someone else might show up and reveal what happened and then be made to look bad. So your concept of the conspiracy becomes almost inevitable. It seems like you have no other way to come to any conclusion.

Mr. GARO. That is correct, Congressman; and let me say this. You know, this is not easy for me to come here before Congress and to belittle the enforcement of the laws in the Commonwealth of Massachusettes. But if things are going to change you have to first find out what the evidence really was and to say how do we prevent this from ever happening.

Because it looks like, Congressman, you have hit the nail right on the head. Because what you're saying, there is a Chelsea police report, there is a State police report, there is a Boston Police Department report and god knows how many other reports that have been hidden or destroyed over the years that all say the same thing. Joe Salvati was innocent. He was never mentioned. You people knew who it was, and you all sat back and were happy enough that Joe Salvati could die in the electric chair. My God, what are we coming to?

Mr. SHAYS. Thank you.

Mr. BARR. All Members having concluded their questioning, the Chair now recognizes the counsel for 30 minutes.

Mr. WILSON. I won't take the full 30 minutes.

First of all, Mr. and Mrs. Salvati, thank you for being here and thank you for extending courtesies to myself and my colleagues when we have talked to you. It has meant a lot to us that you have spoken with us and spoken with us freely. You have made our jobs a lot easier by being willing to cooperate with us, and we appreciate that. It's something that we don't always get in this line of work, and we really do appreciate what you have done for us.

I will just take a few minutes right now, because there are some documents we should work through fairly quickly. Because we have submitted documents for the record and because there is a transcript of this, I want to get a few things down so we all understand what was going on right at the time of the murder, and I want to explain some of the initial documents that we have put in the record.

If you could please put up exhibit No. 7 on the screen. Exhibit No. 7 is described as an Airtel to the Director of the FBI. It's dated March 10, 1965. That would be 2 days before Teddy Deegan was murdered.

On the second page of the exhibit which you have in your book, in the first full paragraph, it says, "According to Patriarca, another reason that Flemmi came to Providence to contact him was to get the OK to kill Teddy Deegan of Boston who was with"—and there is a redacted name, and then it goes on. It says, "It was not clear to the informant whether he received permission to kill Deegan."

Now this is 2 days before Deegan was killed, and the document we have indicates that the FBI was in possession of information that Deegan was to be killed. Mr. Garo, is it fair to say you did not know about this document until December 2000?

[Exhibit 7 follows:]

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F [redacted]-2597pg.2

Boston Airtel to Director, 3/10/65 entitled: [redacted]

B, M

F [redacted] advised on 3/3/65 that [redacted] contacted Patriarca and stated he had brought down VINCENT FLEMMI and another individual (who was later identified as Joe Barboza from East Boston, Mass.) It appeared that [redacted], Boston hoodlum, was giving orders to FLEMMI to "hit this guy and that guy".

B

Raymond Patriarca appeared infuriated at [redacted] giving such orders without his clearance and made arrangements to meet FLEMMI and Barboza in a garage shortly thereafter. He pointed out that he did not want FLEMMI or Barboza contacting him at his place of business.

F [redacted]-2597pg.5

Angiulo told Patriarca that VINCENT FLEMMI was with Joe Barboza when he, Barboza, killed [redacted] in Revere, Mass. several months ago. It appeared that [redacted], Boston hoodlum, had ordered the "hit". Patriarca again became enraged that [redacted] had the audacity to order a "hit" without Patriarca's knowledge.

B

Patriarca told Angiulo that he explained to FLEMMI that he was to tell [redacted] that no more killings were to take place unless he, Patriarca, cleared him.

Jerry explained that he also had a talk with FLEMMI. He pointed out that Patriarca has a high regard for FLEMMI but that he, Patriarca, thought that FLEMMI did not use sufficient common sense when it came to killing people.

Angiulo gave FLEMMI a lecture on killing people, pointing out that he should not kill people because he had an argument with him at any time. If an argument does ensue, he should leave and get word to Raymond Patriarca who, in turn, will either "OK" or deny the "hit" on this individual, depending on the circumstances.

M [redacted]

EXHIBIT 7

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F

[redacted] (Cont'd)

M [redacted]

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. B

[redacted]

F/B

Boston's Airtel to Director and SACS Albany, Buffalo, Miami 3/12/65 captioned: [redacted]

B [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] B

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.

M [redacted]

Mr. GARO. December 19, the year 2000. That is correct, Mr. Wilson.

Mr. WILSON. Now, the next document—if we could go to exhibit 8, please. Exhibit 8 is also titled Boston's Airtel to Director and SACS—that's special agent in charge of the offices in Albany, Buffalo and Miami. So this is a document that was disseminated not only to the Director of the FBI but to the head of offices to Albany, Buffalo and Miami. The date is March 12, 1965. That's the date Teddy Deegan was murdered.

We don't know when this was tranmitted, but presumably, because Mr. Deegan was murdered late at night, this was the document that was transmitted before the Deegan murder on the same day of the murder. It says in the third paragraph, Flemmi stated that Deegan is an arrogant nasty sneak and should be killed.

So this is the second important document on the day of the murder in the FBI's possession.

Now, again, Mr. Garo, again you did not know about this information until——

[Exhibit 8 follows:]

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F

[redacted] (Cont'd)

M [redacted]

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.

B

[redacted]

F/B

Boston's Airtel to Director and SACS Albany, Buffalo, Miami 3/12/65 captioned: [redacted]

B [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]

B

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.

M [redacted]

000015

EXHIBIT 8

Mr. GARO. December 19 the year 2000.

Mr. WILSON. If we could move to exhibit 15, please.

Exhibit 15 is a memorandum to the Director of the FBI from the man in charge of the Boston FBI office. It's dated March 19, 1965, and this is the document that Congressman Barr was referring to earlier.

It 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."

Now this is another one of the documents that was released in December 2000, is that correct?

[Exhibit 15 follows:]

3/19/65

AIRTEL

TO : DIRECTOR, FBI [redacted] F

FROM: SAC, BOSTON [redacted] P

CRIMINAL INTELLIGENCE PROGRAM
BOSTON DIVISION

The following are the developments during the current week:

On 3/12/65, EDWARD "TEDDY" DEEGAN was found killed in an alleyway in Chelsea, Mass. in gangland fashion.

Informants report that RONALD CASESSA, ROMEO MARTIN, VINCENT JAMES FLEMMI, and JOSEPH BARBOZA, prominent local hoodlums, were responsible for the killing. They accomplished this by having ROY FRENCH, another Boston hoodlum, set DEEGAN up in a proposed "breaking & entering" in Chelsea, Mass. FRENCH apparently walked in behind DEEGAN when they were gaining entrance to the building and fired the first shot hitting DEEGAN in the back of the head. CASESSA and MARTIN immediately thereafter shot DEEGAN from the front.

ANTHONY STATHOPOULOS was also in on the burglary but had remained outside in the car.

3-Bureau
1-Boston

JFK:pos'b
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F [redacted] 1820

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EXHIBIT
15

[redacted] F

When FLEMMI and BARBOZA walked over to STATHOPOULOS's car, STATHOPOULOS thought it was the law and took off. FLEMMI and BARBOZA were going to kill STATHOPOULOS also. "OK."

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 necessary information to prosecute the persons responsible.

It should be noted that this information was furnished to the Chelsea PD and it has been established by the Chelsea Police that ROY FRENCH, BARBOZA, FLEMMI, CASESSA, and MARTIN were all together at the Ebb Tide night club in Revere, Mass. and they all left at approximately 9 o'clock and returned 45 minutes later.

It should be noted that the killing took place at approximately 9:30 p.m., Friday, 3/12/65.

[redacted]

[redacted] B

Informant also advised that [redacted] had given the "OK" to JOE BARBOZA and "JIMMY" FLEMMI to kill [redacted] who was killed approximately one month ago.

Page 3 of serial 1870 is being deleted in its entirety for codes: F, B.

Mr. GARO. That is correct, Mr. Wilson.

Mr. BARR. Excuse me, if I could—this document says, the following are the developments during the current week. Were there weekly updates that were being furnished?

Mr. WILSON. It's our understanding from the documents that there were weekly updates that were going to the Director of the FBI. They were not voluminous. They were the highlights of what was happening, and we have other documents of this sort.

Mr. BARR. Thank you.

The gentleman from Connecticut.

Mr. SHAYS. So we have Chelsea, and we have the Boston Police Department, and we have the State police. This is from the FBI, basically saying the same thing that were in the other three documents.

Mr. WILSON. Yes. Although these are different in that these documents actually talk about the Deegan murder before it occurred. They actually had information that the Deegan murder was to occur.

The one thing I can say, having reviewed all the documents produced to us and we received, we made a document request for all documents related to the murders of Teddy Deegan and anything related to Teddy Deegan, and we got about a linear foot of documents from the FBI last Friday night. That would probably be 1,000 pages of documents. And in those 1,000 pages of documents there was nothing contemporaneous that mentioned Mr. Salvati's name, nothing. The other people were described in the different reports and seem to be accurately described.

Mr. SHAYS. Just one last question. When I see this blacked-out area, what is that? What did they black out?

Mr. WILSON. There are a number of conventions that the FBI used when they redacted documents. The most consistent redactions go to the names of the informants. The FBI never shared the names of informants or information about informants with anyone, including the Attorney General.

Mr. SHAYS. Is it possible they blocked out a signature of someone who made notes that they read it or anything like that?

Mr. WILSON. This we just don't know.

Mr. SHAYS. I would like to know if we have the ability to have counsel go to the FBI and see what was redacted. It would be amazing. We can only speculate. Sometimes when people read documents they check them off and put their initials next to them and so on.

Mr. WILSON. We have gone through three documents, one before the Deegan murder, one the day of the Deegan murder, one 7 days after the Deegan murder.

Now I would like to turn, if we could, to exhibit No. 24.

Now bear in mind that all the documents we've seen identify Vincent Flemmi as a participant in the Deegan murder, and these are the documents that we've just put up, the one before the murder where Vincent Flemmi went and asked permission to kill Deegan and afterwords where he was identified as in fact a person who participated in the Deegan murder.

Exhibit 24 is a write-up of an interview of Joseph Barboza. The interview took place on March 8, 1967. It was conducted by Dennis M. Condon and H. Paul Rico.

The important point that I think we need for the record here, that on the second page of this exhibit there is a section that was redacted so we don't know what it says, but then the one bit that's left in says, Baron—Baron is another name for Joseph Barboza—Baron knows what has happened in practically every murder that has been committed in this area. He said he would never provide information that would allow James Vincent Flemmi to fry but that he will consider furnishing information on these murders.

Now, the easy question we're asking, Mr. Garo, is, did you know anything about this statement ever until——

[Exhibit 24 follows:]

JOSEPH BARON, also known as JOE BARBOZA, was interviewed at the Massachusetts Correctional Institution, Walpole, Massachusetts.

BARON stated that he would not mind talking to the Agents if the Agents would not end up testifying against him for what he said. BARON was told that if he wanted to talk in confidence that "we would respect his confidence."

BARON advised that he has always tried to make a living outside of the law and that if anyone in law enforcement could prove that he was doing wrong, he is willing to pay the consequences. However, he said, when you find that a police officer that you know "fingered scores, acted as lookout when scores were being pulled, and divided up the proceeds of these scores" turns around and manufactures evidence and testimony against you, you have a feeling that maybe you, the criminal, have played by the wrong standards.

BARON said that he never wanted to physically hurt anyone in law enforcement but added that "If my life is ruined by this individual trying to benefit his own ambitions, the day I come out of jail could be the day this Lieutenant becomes nervous."

BARON said that he knows that INCEGNERI is friends with the "connected people" and that these people wanted to see him hurt. BARON advised that he has always tried to get along with these people and that, as a matter of fact, he used to see RAYMOND PATRIARCA and get an "OK" before he made most of his moves. Since they killed three of his friends, however, (THOMAS J. DE PRISCO, ARTHUR C. BRATSOS and JOSEPH W. AMICO) and stole $70,000 from him (This is in reference to the money allegedly in BRATSOS' possession when he was murdered), he had made statements that he was going to kill several of them. BARON said that after thinking the entire situation over, he realized that he could not possibly

On 3/8/67 at Walpole, Massachusetts File # [redacted]

by SA's DENNIS M. CONDON and H. PAUL RICO:pol'b 3 Date dictated

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 24

[redacted]

DMC:HPR:po'b

2

[redacted] BARON, knows what has happened in practically every murder that has been committed in this area. He said that he would never provide information that would allow JAMES VINCENT FIDDMI to "fry" but that he will consider furnishing information on these murders.

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[redacted]

Mr. GARO. Never.

Mr. WILSON. When did you first see this statement?

Mr. GARO. I don't recall.

Mr. WILSON. Now, one thing we know from reviewing the document was that in 1965 when Mr. Deegan was murdered Vincent Flemmi was an FBI informant.

Mr. GARO. That's correct.

Mr. WILSON. His brother Steven was also an FBI informant.

Mr. GARO. That is correct.

Mr. WILSON. If you could provide an explanation to us in the context of all the things we have heard today, what this means, and specifically Mr. Barboza has told two FBI agents in 1967—that's before the Deegan trial, correct, the Deegan murder prosecution? Barboza has told two FBI agents that he will never provide information that would allow Vincent Flemmi to fry. Is it fair to say that all of the evidence that was in the possession of prosecutions at the time or investigators at the time indicated that Vincent Flemmi was at the crime scene?

Mr. GARO. From the very beginning when the Chelsea Police Department, Mr. Wilson, investigated the case that night with the information—if you remember me telling you that there was a number 404 on a license plate that had been turned over. And from the statements by Captain Kozlowski that he had come upon the scene and that he had seen the red car and that it had been a registration plate 404, and from the informants' statement that they had left the Ebb Tide that night and mentioned the people, the Chelsea Police Department from that very night knew who the killers were. They had a good notion as to who the killers were.

Mr. WILSON. And there was eyewitness identification—or at least eyewitness identification of a bald man.

Mr. GARO. Absolutely. That is why the ridiculous story about Joe Salvati—about him having to wear a wig to make him look bald is because Vincent Flemmi was bald. Isn't it interesting that Barboza would give the story to have Joe Salvati look like his partner? Doesn't that make a lot of sense?

Mr. WILSON. I will finish here, and I will ask for your opinion on this.

Mr. GARO. Surely.

Mr. WILSON. What I would like to know is that, in your opinion, do you think it was fair or appropriate for the FBI to put a witness on the stand in a murder trial to testify when he had told them in confidence that he would never provide information about somebody who they had information had been at the crime and had committed the crime?

Mr. GARO. In my opening statement you heard what I said, the truth be damned. This was never a search for the truth, Mr. Wilson. It has always been a search only for convictions and to help the propaganda of the FBI during that period of time to show that it was the ultimate crime-fighting force in the United States and in the world. And in order to keep that up they have concocted and perjured testimony to show that, what they were, that they were the FBI.

Mr. WILSON. Thank you very much, Mr. Garo. And again, Mr. and Mrs. Salvati, for all the courtesies you have extended to us, thank you very much.

Mr. GARO. Mr. Acting Chairman, may I make a statement at this time?

Mr. BARR. Yes, sir, Mr. Garo.

Mr. GARO. Thank you. What I'd like to say is this, that I wanted to thank everybody that's here. I'd like to thank the chairman, Mr. Burton. I'd like to thank the Congressmen who have gone out of their way to do an awful lot of work in this case.

Some time ago, I met Mr. James Wilson. He calls me up on the phone and said, Victor, I would like to talk to you. And I said sure. When he told me about the Deegan murder case, I said, I have been known to talk for a few minutes about that case; and I met his staff, Mr. Bowman and Mr. Schumann.

Then Mike Yeager from the Democratic side called me up, Mr. Rapallo, and I have never seen a group of people work so hard and so diligently for any type of organization in my life time. The dedication that they have shown here in putting together a very, very difficult story—folks, it is a very difficult story. I guess maybe I am said to be the master of the facts because I've been around it so long. But just to have people on your staff knowing that when they do their research they have done a damn good job, I am proud to be associated and to know them. And I say this in front of this committee and, Mr. Wilson, especially to you, thank you so much. We're here for you whenever you need us. We thank you for giving the attention to this case that it really needs.

Congressman Delahunt, thank you so much for the kind statements. Thank you for coming to my office for the muffins we enjoyed for over 5 hours.

And the final statement that I would like to make is this, there is a country for the people. It is a country where we have as our most prized possession freedom. It is an awesome responsibility to make sure that freedom stays where it belongs, with those that were innocent. The job that you are doing is God's work.

Because here you have seen in actuality pain, emotion and feelings. When you were reading the documents, they were only pages. I have lived with these people 26 years. And I say to you that a gentleman and a lady and four good young kids, I knew them then. It isn't right that their lives were taken away from them and stolen from them. So we thank you for giving us the opportunity here today to speak to our case. We thank you so much, and God bless all of you.

Mr. BARR. Thank you, Mr. Garo, Mr. Salvati, Mrs. Salvati. Thank you very much for being here today. We know it has been very difficult, and we look forward to being in further contact with you. I know I speak for the entire committee, those that are here and those that could not be with us, in wishing you godspeed.

Mr. SHAYS. I wonder if either one of them wanted to make a closing comment. This may be the last time you are before this committee.

Mr. GARO. Say that once more.

Mr. SHAYS. If either one wants to make a closing statement.

Mr. GARO. You mean Mr. or Mrs. Salvati.

Mr. SALVATI. My family and I would like to thank you for giving the opportunity to tell our story. I get very emotional when I speak about my family, but that's the way I am. Again, thank you very much.

Mr. SHAYS. Thank you.

Mrs. SALVATI. To add to that, my husband speaks from his heart. That's the kind of people we are. Thank you for the opportunity at least to hear the story, and I know all good would come out of this here. OK. Thank you.

Mr. BARR. Your faith is inspiring. Mr. Garo, we can't thank you all enough for what you have done. Thank you very much.

Mr. BURTON [presiding]. I don't know if anybody needs about a 5-minute break. We're ready for your next panel. Mr. Bailey, are you ready to go or do you need to take a break?

Mr. BAILEY. I am ready.

Mr. BURTON. We'll bring the next panel up. It's F. Lee Bailey and Joe Balliro.

Would you both please stand.

[Witnesses sworn.]

Mr. BURTON. I think we'll start with you, Mr. Bailey; and if you have an opening statement we will be glad to hear you say it.

STATEMENTS OF F. LEE BAILEY, ESQUIRE, ATTORNEY FOR JOSEPH BARBOZA; AND JOSEPH BALLIRO, SR., ESQUIRE, ATTORNEY FOR VINCENT FLEMMI AND HENRY TAMELEO

Mr. BAILEY. I do not have a prepared opening statement. Mr. Wilson suggested that a quick recap might help the committee.

I was admitted to practice in Massachusetts in 1960, have been trying cases in the military from 1954 and defended Joe Barboza on an unrelated crime in 1965, the year of the Deegan murder.

Later, I was contacted by a contractor named Frank Davis that said Barboza wanted to recant his testimony both in the Federal case against Cassesso, Imbuglia and Raymond Patriarca and in the Deegan murder case. He was afraid that he would go away for life for perjury in a capital case because that is the punishment in Massachusetts. But he had, surprisingly, been acquitted—surprising to him at least—in 1965 and thought that I might have some magic scheme that would enable him to vindicate the victims of his perjury and at the same time leave him with a whole skin.

I flew down to New Bedford by arrangement and was picked up by someone and went to a two-story wood frame home where I was confronted with more machine guns than I ever saw in military service. I spoke with Mr. Barboza and essentially learned that he now wanted to say what we in Boston had always known. That although Cassesso and French were in fact involved in the Deegan murder with him and Vincent Flemmi, that Tameleo and Mr. Salvati and Peter Limone and Louie Greco had nothing to do with it whatsoever; and Greco, in fact, was in Florida when the murder occurred.

And he wanted to say that his story about Patriarca, Tameleo and Cassesso was at least, in large measure, fabricated, and I asked him if he had any help in putting these false stories together, and he told me that he had quite a bit of help that came from two agents in the FBI. I did not name them in my affidavit,

but the agents he named to me were Paul Rico, then known as "the Spaniard" in Boston, and Dennis Condon who has been the subject with Mr. Rico of some fairly fiery testimony in the proceedings before Judge Wolf, where Stevie Flemmi, the brother of Vincent Flemmi, is defended by my colleague, Ken Fishman on a court appointment.

This, I believe, has been the genesis of smoking out most of this dirt from the FBI files, because some of them have testified extensively, and I think some of the questions you have may be answered in that record; for instance, who was the informant. You were asking a while ago—there are papers here that show and that it has been independently shown that it was Stevie Flemmi who told the FBI.

One of the things that puzzled me was how Barboza's testimony was able to switch. Flemmi, who had been seen in the back seat by a Chelsea police officer who couldn't identify him but knew he had a bald spot, "the Bear," Jimmy Flemmi, was a person about 5 foot 8½ inches tall, very burly and strong. He had a bald spot in his crown, which was prominent and everybody knew about it. And he said that in order to fit to those facts, because no one knew when that police report was going to come up, that he had to put someone else there since Flemmi was his partner and he wasn't going to rat him out, as he put it, and that he didn't like Salvati anyway, because Salvati had been rude to one of his shylock collectors and Salvati was about the right size. So he made up a story, with encouragement, that a wig had been obtained that simulated a bald spot, because Joe Salvati had and he knew he still has a full head of hair. That struck me as highly corroborative of what Barboza was saying.

However, I have long been an advocate of protecting one's self against chronic liars. He certainly was one, had been one all his life, and the condition I had made to the man paying the fee, Frank Davis of HiLo Construction, was that I wasn't going to go forward with the case unless Barboza would agree to take a polygraph, because recanting witnesses are never looked on with favor, but buttressing his testimony would at least make me more comfortable before starting to name names.

While that program was in progress, Barboza managed to get himself caught with a weapon in his car. He was clamped in jail, violated on probation, but did not give up his effort. I arranged for Charles H. Zimmerman, then the probable dean of all polygraph examiners in the United States, certainly in Massachusetts, much revered by the courts in years when we used polygraph, to test Barboza on the truthfulness of his statement and whether he was being paid any money under the table by anyone connected with the case, innocent or guilty. That test was scheduled for, I believe, July 30, 1970. I saw Barboza in the prison, and although I cautioned him, he would recklessly describe his crimes, and he had no hesitation at all about describing the most cold-blooded, ruthless killings—he claimed more than 20, largely in the McLain-McLaughlin gang wars of the fifties—as if he were eating a piece of apple pie. And cell mates were within earshot.

Mr. Harrington—who I hasten to interject is one of the best Federal judges on the bench, he was then a strike force lawyer—and

an assistant named Barns went to Walpole, and somehow the polygraph test went away. We later learned, of course, that the FBI said, fire Bailey and don't take the polygraph test or you're here forever. And I'm quite satisfied that happened, since I was terminated.

Unfortunately for Mr. Barboza, one of the killings that he boasted about in Santa Rosa, CA was within earshot of another inmate, who then went to the authorities, caused Barboza to be indicted in Santa Rosa, and I was summoned as a witness. And I said, I have, I'm afraid, attorney-client privilege. The judge out there ruled no; Barboza knew there were people not within the umbrella of the attorney-client privilege present when he talked about this, and you can be called and will be called as a witness. And I said, all right, but I want you to order me to answer any questions that relate to conversations, whether anyone was there or not.

It was agreed by the prosecutors that would happen.

When it was known that I was going to appear as a witness in the case and that he would face more than a cell mate on the prosecution side, Mr. Barboza began to negotiate, with considerable help from the Federal Government, and walked away with second degree murder, 5 to life, and was hustled off to Montana to some country club to serve his time.

In 1976, in January, Barboza was out, once again with Federal help, roaming the streets of San Francisco as I was engaged in defending Patty Hearst, and I believe in February of that year, was gunned down by someone with a machine gun. The curious twist to Mr. Barboza is that he was, at the end of it all, not a tough guy. When he first came to me to get me to defend him in the unrelated charges in 1965, which were felonies and of which he was acquitted by a jury, I took an immediate dislike to him. I was to defend him as a favor to a man named Howie Winters, who's still alive and was a gang member at the time, and Wimpy Bennett, who was simply murdered later on. And I told Barboza to take his hat off, and he exploded, because I didn't make Bennett take his hat off. And I frankly put my hand in my drawer, where I had a 38, because this man's reputation was fearsome. And I said, Wimpy Bennett is bald, he can keep his hat on; take yours off or get out. And he left the room and broke down in tears and came back in crying, saying if you don't defend me, I'll go to jail. That was the beginning of a relationship which later evolved into the meetings of 1970, and that is most of my knowledge from Barboza that I can disclose.

Mr. BURTON. I have a question, but we'll defer that till we hear from Mr. Balliro. Mr. Balliro.

Mr. BALLIRO. Mr. Chairman, I first of all want to thank you and members of the committee for the privilege of appearing here today. I suppose, almost as much as the Salvati family, I am just thrilled to see what this committee is attempting to do, because for some 30-odd years of the 50 years that I have been practicing law and defending people accused of crime, I've had to carry with me the knowledge that Joe Salvati, Henry Tameleo, who was my direct client, Louis Greco and Peter Limone, who also had a very young family at the time, were in jail, had suffered the almost expectation of being executed for crimes that I was satisfied from the get-go that they did not commit.

Now, during the course of the 50 years that I have been practicing law, many people have asked me how can you do that day after day, because all of my practice is on the criminal side of the court. And I've always told them that which I believe as much as I believe in anything in this world, that everybody is entitled to a defense, no matter how bad anybody else might think they be. And as a matter of fact, I feel so strongly about it, that I feel that our very form of government, our system of government depends upon due process and the right of everybody who's accused by the government of having committed a crime to get a fair trial.

During the course of my career, I've represented clergymen, politicians, lawyers, judges, the old, young, male, female, people of all kinds of lifestyles. And in all of those cases, except one kind of case, the government always has the burden of proof, and they've got to prove their case beyond a reasonable doubt, except when it comes to an organized crime figure. I've lectured at seminars throughout this country, and I've always told lawyers, especially young lawyers, don't ever walk into a courtroom defending someone who's been labeled as a part of organized crime and ever expect that those things that you learned in law school are going to hold true.

Now, I'm not at all defensive about the fact that I was the lead counsel in the Deegan murder case. And a young colleague in my office, Chester Paris, who was an excellent lawyer, I designated to represent Joe Salvati. And, by the way, Mr. Chairman, and members of the committee, all of the defendants paid for their own fees in that case. And much to the contrary of what the public may have an expectation or deception of believing, the fees were not very large. As a matter of fact, I have a daughter and a son in practice, and they accuse me, even today, of charging less money to represent people than they charge to represent people.

But the Congressman from Connecticut, Mr. Shays, asked earlier on today, how could you lose that case? Well, we lost it for a number of reasons, but I think the principal reason was expressed somewhat in the chairman's earlier remarks this morning—his opening remarks this morning, when he talked about what his feelings were toward the FBI back in those years of the 1950's and the 1960's and the 1970's, the tremendous amount of respect he had, and understandably so, because I myself had, other than for the fact that I knew things that perhaps others didn't about some of the agents of the FBI.

But, you know, the star witness in this case really wasn't Joseph Barboza. The star witness in this case was the FBI. And I don't mean that just figuratively. I mean it literally, because what the government did in that case, in addition to putting Joe Barboza on the stand, totally, completely uncorroborated, as far as his testimony was concerned—there was no other corroboration in the case—except the fact that they put on the stand Dennis Condon. There was no legitimate reason for putting Dennis Condon on the witness stand. The only reason he was put on the stand was to project up there on the board, so to speak, the image that everybody respected of the FBI at that time.

And I was reminded earlier today of some of my cross-examination, obviously, not very successful, but I think very significant, as

far as the work that this committee is starting to do. I was trying to undermine through my cross-examination of Dennis Condon the credibility of that which Joseph Barboza had testified to. And I sought to do that by pointing out that over the period of time that Barboza was in the custody of the government, preparing for trial, a whole raft of different law enforcement people had access to him. And in doing that, I was trying to convey to the jury the fact that his testimony had been shaped and molded. And the only thing that I could get Dennis Condon to agree to was how essential it was to have the purity of a witness' testimony.

He agreed with me in this case, knowing about all of these intels and all of these memorandums that we have no clue about, of course, at all, he agreed with me how essential it was to the administration of justice, the due process, that a person's witness' testimony be pure. And he did that as his testimony was being monitored by a whole sheave of law enforcement officers that had participated in the preparation and the prosecution of that case.

So, Congressman Shays, I'm not defensive, as counsel in that case. We never had a chance from the get-go, but that's what we were up against. That's what these defendants, these innocent defendants, were up against during the course of that trial. I'll be happy to answer any questions that the committee might have.

Mr. BURTON. I only have one question at the outset, and then I'll yield to Mr. Barr, and then we'll come back to Mr. Delahunt. And that is, when you met with Mr. Barboza when he was incarcerated——

Mr. BALLIRO. Mr. Flemmi.

Mr. BURTON. Beg your pardon?

Mr. BAILEY. Barboza.

Mr. BALLIRO. Oh, I'm sorry. Yes.

Mr. BURTON. When you, Mr. Bailey, met with Mr. Barboza when he was in prison—I think it was in prison—you said that within earshot, there were other inmates who overheard the conversation. Did he say anything about the Deegan murder to you? Did he say that he was involved in it or that—who the other members were that were involved in that murder?

Mr. BAILEY. Oh, yes. He was involved—Vincent Flemmi was involved. Nicky Femia, who was a Barboza sidekick, was involved. Chico Amico, his other sidekick, I do not believe was involved. Roy French was the trigger man, and Cassesso was involved. When it came to adding names, he dealt with the FBI this way: You let me put in a couple, and I'll put in a couple that you want.

Mr. BURTON. But when you talked to him, did he mention Salvati at all? Did he say, you know——

Mr. BAILEY. Yes.

Mr. BURTON. What did he say?

Mr. BAILEY. He said Salvati was innocent, had nothing to do with the case.

Mr. BURTON. So he flatly told you Salvati was innocent in that meeting, and you wanted him to take a polygraph about that issue as well as the others that you talked about?

Mr. BAILEY. He signed an affidavit, which although not this specific, was the first step. And I wrote a letter to Attorney General Quinn telling him what was up.

Mr. BURTON. Did you send the affidavit with the letter?

Mr. BAILEY. Oh, sure. Yes.

Mr. BURTON. So he got the letter from you saying that Salvati was innocent, plus the affidavit, and nothing was done?

Mr. BAILEY. Nothing was done. All of this was mentioned in my memorandum to Mr. Balliro in 1970 after I was fired.

Mr. BURTON. Thank you very much. Mr. Barr. You want me to go to Mr. Shays first? Mr. Shays.

Mr. SHAYS. I would like Mr. Delahunt to go, and then I'll——

Mr. BURTON. Mr. Delahunt, are you prepared? Mr. Delahunt.

Mr. DELAHUNT. First of all, let me welcome two gentlemen for whom I have great respect, that I consider friends, people whom I had dealings with, Mr. Chairman, during the course of my 20 years as an elected prosecutor in Massachusetts. These are people of great talent, great skill, and in my dealings with them, I can tell you now that their integrity was unimpeachable. It's good to see you both here, Lee and Joe. I can tell you this, too. They're very formidable adversaries, but I think that they both know that in their dealings with my office——

Mr. SHAYS. 'Fess up. They whipped your butt every time.

Mr. DELAHUNT. No. We had some wins. We had—in fact, the first case that was ever televised in Massachusetts, the case of the *Commonwealth* v. *Prendergast,* Mr. Balliro was the counsel for the defendant in that case. So we've made some history together, and, again, this is not just hyperbole or saying good things about good people. It's the truth, and their remarks today I think are very important, because, again, my experience has been as a prosecutor. But I always remember, and I think they both would verify that I had a group of prosecutors that were exceptionally talented. In some cases, their abilities far exceeded mine in a courtroom. But my only admonition was to remember that they had delegated to them the most single awesome power in a democracy, which was to deprive people of their liberty and that one thing I would never tolerate would be the abuse of that power. And I hope that's my legacy of 21 years.

I would pose it to either of you, it's interesting that with all the attention given to Mr. Barboza, in the end what did he really produce for the U.S. Government, if you know? I think Mr. Garo indicated earlier that he testified in three cases. Well, in one of them, it's now overwhelmingly clear that he put four innocent people in jail. If either one of you know, what did he contribute to public safety in Massachusetts and in New England by virtue of his involvement in the other two cases?

Mr. BALLIRO. Well, it's my view that not only did he not contribute anything toward public safety, but the use of his testimony, like the use of many other jailhouse informants or cooperating witnesses who are testifying solely for reward, does much to damage terribly the administration of criminal justice in this country.

Mr. DELAHUNT. What you're saying, then, is that in the end, when we find people who are innocent in jail because of a result of this kind of testimony, that in the end it really erodes the confidence of the American people and the integrity of the system? Isn't that really what we're talking about here?

Mr. BALLIRO. And in a very expensive way.

Mr. DELAHUNT. And in a very expensive way. It's my understanding in my conversation with Mr. Garo that on the other cases that he testified that resulted in convictions, what we're talking about were sentences of some 5 years, and who knows what the veracity, the credibility, of his testimony was in that case. But after all this, all this money, all this effort, Joe Barboza did absolutely nothing in terms of justice and in terms of protecting the people. It was an egregious mistake to recruit him as an informant to begin with.

Mr. Bailey, you said something that was very disturbing to me. It's clear to me that the position of the Federal Bureau of Investigation, reading from just newspaper reports, is that when they receive this information—and if you had an opportunity to review the exhibits, you see the correspondence back and forth from the special agent in charge in Boston and the Director of the FBI, who at that time was J. Edgar Hoover, as well as reports filed by Special Agent Rico and in some cases by Special Agent Condon, that they concluded that by simply disseminating the information, that was the end of their legal obligation.

Now, I don't know whether failing to produce that information or insist upon it being brought to the appropriate court of jurisdiction would violate any criminal statute. I find it offensive on a moral and ethical basis. But what you said earlier about Mr. Barboza's testimony being helped, were you suggesting that his testimony was manipulated, was agreed to, was suggested by Federal agents?

Mr. BAILEY. I'm quite certain of that. And before more FBI bashing, let me say I am a big fan of the FBI. Judge Webster and Judge Sessions are friends. But the FBI is like the little girl with the curl; when they're bad, they are horrid. In this case I believe that the testimony was furnished. When the FBI decided who they wanted to target, it just happened to be the right-hand man of Raymond Patriarca, the reputed right-hand man of Jerry Angiulo. They suggested those names. Barboza threw in Greco, because Greco beat him up once, and he threw in Salvati, because he had to replace Flemmi. They knew all about that. And one particular agent not only did it in this case but did it again with another——

Mr. DELAHUNT. You know, that's a very serious statement.

Mr. BAILEY. It is.

Mr. BURTON. Could the gentleman yield real quickly? You said they did it in another case?

Mr. BAILEY. Yes.

Mr. BURTON. Would you care to be a little bit more specific? I'll grant the gentleman the time.

Mr. BAILEY. Certainly. As these people were indicted, Mr. Balliro and I were engaged in defending what Congressman Delahunt will remember as the Great Plymouth Mail Robbery, then the largest in the history of the country. All these men were acquitted. The purported leader, John J. Kelley, whom I defended, was caught a year later, in a Brinks truck robbery, nailed cold. And he was told—and I talked with Mr. Kelley about this extensively. He was told, you are such a big fish, that to get a deal you're going to have to give us somebody bigger. And there are only two people we can think of, F. Lee Bailey and Raymond Patriarca. He chose Mr. Patriarca, was helped to make up a story about Mr. Patriarca or-

chestrating a homicide, testified falsely in Federal court and obtained a conviction. The manager of that witness as well was Paul Rico, who came to my office attempting to intimidate me after Kelley turned, and I threw him out.

Mr. BURTON. Any information you have about that case we'd like to have. Anything——

Mr. BAILEY. I can only tell you, because——

Mr. BURTON. We'll check with the FBI to get documentation on that as well.

Mr. BAILEY. You should. Yes.

Mr. BURTON. I'm sorry, Mr. Delahunt.

Mr. DELAHUNT. I thank the Chair. I just would note that this goes far beyond simply the withholding of exculpatory evidence, which is—what you're suggesting here is that in a capital case——

Mr. BAILEY. Well, I said, "now, Joe, could you have done it by yourself?" And he said no, he wouldn't have known how to arrange his facts so that he could testify falsely to them.

Mr. DELAHUNT. Well, again, in the Deegan case, this is suggestive of subornation of perjury, Mr. Bailey.

Mr. BAILEY. It is, the penalty of which is life.

Mr. DELAHUNT. And that particular statute does not have any statute of limitations, does it, Mr. Bailey?

Mr. BAILEY. It does not. And it suggested strongly to me of a conspiracy to cause murder to happen. If these men had not been saved, not by the judicial process in the United States, which endorsed the death sentences, not of Salvati and French but of the other four, had they not been saved by the U.S. Supreme Court's widespread—effective the *Furman* v. *Georgia* decision of striking down capital punishment, they would have been executed, and nobody would have come forward on——

Mr. DELAHUNT. Mr. Bailey, you seem to be convinced that one Stevie Flemmi was the informant in the reports of the FBI.

Mr. BAILEY. He is mentioned not by name but because we know that he was the owner of a certain property, and that's how he's described in the memo which I saw a little while ago. But please understand, the FBI had, we now know, a nest of ruthless, coldblooded psychopathic killers, two Flemmis, Barboza and Whitey Bulger. They left them on the streets, they protected them at all times. They were killing people left and right and committing all kinds of other crimes. And who gave them information in a given case is hard to say, but Vincent Flemmi has admitted that he was that person in the back seat with the bald spot.

Mr. DELAHUNT. Mr. Balliro, could I ask you just in terms of how do we remedy this situation? Let me just give you my own theory.

Mr. BURTON. Can I clarify?

Mr. DELAHUNT. Certainly.

Mr. BURTON. Mr. Balliro, I want to make sure we don't miss that point. You're saying your client was Mr. Flemmi. Did Mr. Flemmi admit to you that he was the fellow with the bald spot in the back seat?

Mr. BALLIRO. Oh, yes.

Mr. BURTON. OK. Well, I think that's very important that we make sure that's clear to everybody. I thank the gentleman.

Mr. BALLIRO. Not only did he admit to me that he was the fellow sitting in the back seat, but he also told me that Barboza had sent him a message explaining that he had substituted Salvati for him, and that Limone, Tameleo and Greco had nothing to do with it; but since they didn't give him, Barboza, the proper, what he called respect, he was very concerned about being respected by the people in the north end of Boston, all of whom were of Italian heritage, and he wasn't getting that respect, so he was going to get even.

Mr. DELAHUNT. I posed a question earlier, but I'd like to ask another question of Mr. Bailey. Can you identify the law enforcement agents that told Barboza, according to Barboza's conversation with you, that you're here forever if you continue to insist upon recanting your testimony?

Mr. BAILEY. No, because he didn't tell me that. It has since come out, and I don't have personal knowledge of that, but I do know this: Whenever Barboza was on the move doing anything, Rico and Condon would pop up as they did in Santa Rosa.

Mr. DELAHUNT. Mr. Balliro, in the State, some offices, including mine when I was the district attorney, adopted a policy of full discovery, an open file policy. Can you describe for members of the committee the discovery procedures in the Federal system and whether, in your opinion, there is difficulty securing exculpatory evidence?

Mr. BALLIRO. It's like pulling teeth. That's what it's comparable to. You know, they boast—most U.S. attorney's offices—about how much discovery they give to defense counsel in criminal cases, and they're prone to sending you banker boxes full of discovery, really without identifying what in all those thousands upon thousands of pages really is important, what's significant and what isn't significant. But when it comes down to the real nitty-gritty of what you need to effectively represent your client and to do a competent cross-examination, it's like pulling teeth. They fight it all the way.

Mr. DELAHUNT. Thank you. Just indulge me, Mr. Chairman, for one more question. You referenced earlier Stevie Flemmi and Whitey Bulger, and I know you were present earlier when I inquired of Mr. Garo about his problems with the commutation, securing the commutation, despite having in his possession documents that were clearly exculpatory. Now as I sit here and I reflect, if Stevie Flemmi, one could theorize, was the informant in this case, given his role and position in the criminal element in Massachusetts, it certainly wouldn't be to his advantage to have Limone and Greco and Tameleo out on the street, would it, Mr. Bailey?

Mr. BAILEY. I don't think Stevie was ever accepted as a member of the so-called Angiulo group. The two Flemmis——

Mr. DELAHUNT. Well, in fact, it was his testimony that did lead in the late 1980's, early 1990's, to the conviction of Gennaro Angiulo and others. Am I correct in stating that? He played a role in it. Not only did he play a role——

Mr. BAILEY. The Federal prosecution of Gennaro and Angiulo, yes.

Mr. DELAHUNT. Yes. But I guess my point is, if you will listen to me for one moment——

Mr. BAILEY. Yes.

Mr. DELAHUNT [continuing]. And just reflect on this premise, it was as if Stevie Flemmi and his associate, Mr. Bulger, were acquiring a monopoly in terms of organized crime in the greater Boston area. There was no competition.

Mr. BAILEY. Well, they had their own organization, but they had a very powerful partner, called the FBI.

Mr. DELAHUNT. I yield. Thank you, Mr. Chairman.

Mr. BURTON. Thank you. We'll come back, if you have more questions. Mr. LaTourette. Then we'll go to Mr. Shays. And Mr. Horn, you have questions, too? We'll get to all of you in just a minute. Mr. LaTourette.

Mr. LATOURETTE. Thank you, Mr. Chairman. Mr. Bailey, I come from Cleveland, OH, and my mom put together a scrapbook and this doesn't have anything to do with it, but I was born in the month of July 1954, the month Marilyn Sheppard was murdered, and your name is certainly emblazoned in a lot we've done, and there are some parallels. As a matter of fact, I just heard Sam Ray Sheppard on the radio the week before I came back and his continuing travails to clear his father, but it's a pleasure to be in your company.

Mr. Balliro, it's a pleasure to be in your company too. I don't want to exclude you, but you didn't have anything to do with Marilyn Sheppard.

I am concerned, Mr. Balliro, about an exhibit that's in our book, exhibit No. 35, which is an affidavit that I think you executed earlier this year in connection with the release of—dealing with representation you had. You're conversant with that affidavit and——

Mr. BALLIRO. Yes.

Mr. LATOURETTE. OK. And I think that the chairman was talking to you before about the fact that—whether or not you had a conversation with Vincent Flemmi about the murder of Teddy Deegan, and you did in fact have such a conversation. And in that conversation, as I understood not only your previous observations but the affidavit as well, he basically told you what had happened to Teddy Deegan.

[Exhibit 35 follows:]

(15)

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

EXHIBIT
35

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

Mr. BALLIRO. He told me it in the context of the attorney-client relationship. As a matter of fact, he started off by saying—I had gone up to see what information I could get from him that might undermine the credibility of Barboza——

Mr. LATOURETTE. Right.

Mr. BALLIRO [continuing]. In the upcoming trial. And he started off by saying that he was very concerned about giving me any information, which kind of stunned me, because I knew what his relationship was to other people in that whole group, and the expectation was that he would be very happy to be of help, if he could be of help. But he said he couldn't and that he was concerned about Barboza, because as close as he was to Barboza, he didn't trust Barboza for one moment. He felt that he might turn on him and might implicate him in the Deegan killing. And if so, he wanted me to represent him. I represented Jimmy on previous cases. As a matter of fact, I represented him on a case that he was in jail for at that time.

Mr. LATOURETTE. Right. But this conversation which I think I want to get to, this conversation took place, according to the affidavit, at least, in the summer of 1967?

Mr. BALLIRO. Correct.

Mr. LATOURETTE. The trial for the Deegan murder took place in 1968?

Mr. BALLIRO. Correct.

Mr. LATOURETTE. OK. So at the time that you were representing one of the codefendants, I guess, in the Deegan murder, you had information from another client that the client you were representing had nothing to do with the Deegan murder, and in fact, it was Vinny Flemmi and "the Animal" that had actually been the bad people. Is that right?

Mr. BALLIRO. Correct. It was a lot more complicated than that, because one of the co-counsels who represented Joe Salvati was a fellow who I had put into the case. He was in my office at the time.

Mr. LATOURETTE. Well, that was the next thing that I was going to ask you. Mr. Salvati's lawyer came from your firm as well?

Mr. BALLIRO. Correct.

Mr. LATOURETTE. And it's been—I haven't practiced law, obviously, since I've been here, but it seems to me that there was some rule that what was knowledge of——

Mr. BALLIRO. Conflicts.

Mr. LATOURETTE. Well, we'll get to conflict in a minute maybe, but what was the knowledge of one person within the firm was imputed to be the knowledge of the law firm, I guess. Is that——

Mr. BALLIRO. I think that's a fair statement, yeah.

Mr. LATOURETTE. OK. So at the time your associate was representing Mr. Salvati, your firm had institutional knowledge, at least, that Vincent Flemmi and Mr. Barboza were the murderers?

Mr. BALLIRO. We didn't set up Chinese walls in those days.

Mr. LATOURETTE. I'm not trying to cast stones here. I'm trying to just indicate that this is a pretty intense web that was weaved back in 1968, and I think that it's intense, because when your client was found guilty on July 31, 1968, you knew it was wrong. Right?

Mr. BALLIRO. Oh, absolutely.

Mr. LATOURETTE. And you didn't know it was wrong because they had just done a nice job of the prosecution. You knew it was wrong because you had another client who was the murderer?

Mr. BALLIRO. Sure.

Mr. LATOURETTE. And that applied to Mr. Salvati as well?

Mr. BALLIRO. Absolutely.

Mr. LATOURETTE. You know, we're going to deal with how the government handles informants and things of that nature, but—and I also understand that the fact that the attorney-client privilege is inviolate. But I guess I would solicit an opinion from you as to that's a pretty big pickle you've found yourself in.

Mr. BALLIRO. Sure.

Mr. LATOURETTE. And do you think that there is no ethical way out of—not just you, but——

Mr. BALLIRO. Well, there is now, and there is in Massachusetts anyway, because the Supreme judicial court in Massachusetts, effective January 1, 1998, opened the door for counsel to invade the attorney-client privilege if, among other things, it would result in preventing an unlawful incarceration. That's one of the phrases that's in the rule now. So you can do that today, and that's——

Mr. LATOURETTE. But that change only took place——

Mr. BALLIRO. Which led to my finally divulging the name of Flemmi. It says "may." It doesn't say "has to," and in an exercise of caution, I asked for a court order, and I did get that.

Mr. LATOURETTE. And as we look at changing that, what do you think about making it mandatory, the "shall"? If you have information as a lawyer, or I had information or Mr. Delahunt or Mr. Bailey, that a fellow is going to go to jail, face the death penalty—and thankfully the jury showed mercy and he only got—only, I say, life in prison, but he spent 33 years—do you think making it mandatory would have——

Mr. BALLIRO. Well, I think that—I'm a little hesitant about making it mandatory, because there are too many shades sometimes, you know, having to do with those kinds of revelations. But I do think that an acceptable alternative would be to have the attorney at least make an in camera presentation to a judicial officer and then let the judicial officer in the exercise of his discretion determine whether or not he should——

Mr. DELAHUNT. Would the gentleman yield?

Mr. LATOURETTE. The red light is on. If you want me to yield, Mr. Chairman, I'll yield.

Mr. BURTON. Well, we're being very lenient, because we don't want to break up the train of thought of those who are doing the questioning, but I'd just like to say, we don't have a Federal statute that deals with that. Do you think it would be advisable to have a Federal statute that's similar to the statute in Massachusetts that would allow a defense attorney to divulge that kind of information if there was somebody wrongfully convicted?

Mr. BALLIRO. I think it's extremely important, Mr. Chairman and, you know, this isn't the first time that I've had a client tell me about someone else's innocence in a case that I was representing, you know, somebody on, and it's not the first time that the person that's told me was the person who actually committed the offense that I was defending somebody else on.

Mr. BURTON. I think Mr. Delahunt and others on the Judiciary Committee, I'll be happy to cosponsor a bill like that. Would the——

Mr. DELAHUNT. Yeah. The question that other—again, the observation by Chairman Burton and your informing the committee about the change in Massachusetts rules, I think it's something that this committee, in conjunction with the Judiciary Committee and the full Congress, ought to give serious consideration, and any ideas that either one of you or any members of the bar, whether it be prosecutors or defense counsel. I think this particular case highlights the need to have some discretion. I concur, Joe, with you. I think making mandatory might cause some real problems, given the various degrees, if you will, of culpability and involvement, but I think it's an excellent suggestion, and I'd welcome working with the Chair and Mr. LaTourette on that.

Mr. BALLIRO. Whatever my committee in Massachusetts can do to be of help. I want you to know, Congressman, that we'd be very happy to set up a liaison relationship in that regard.

Mr. DELAHUNT. Thank you, Joe.

Mr. LATOURETTE. I thank you. I thank the Chairman.

Mr. BURTON. Mr. Shays.

Mr. SHAYS. Thank you, Mr. Chairman. Gentlemen, it's very nice to have you both before this committee. You've sat very patiently listening to the first panel, and so we don't need to bring forward those exhibits. But just to quickly go over them again quickly without bringing them up, exhibit 11 was from Lieutenant Thomas F. Evans, Chelsea Police Department, in which it was fairly clear they had identified the perpetrators of the murder.

Exhibit 12 was the city of Boston Police Department of March 14, 1965, in which they basically had similar information. Then you had the Department of Public Safety, March 15th, Massachusetts State Police, exhibit 13, that confirmed what the first—what the Chelsea police had been told and what the police department in Boston had been told. None of this information, Mr. Balliro, was made available to you. Correct?

[Exhibits 11, 12 and 13 follow:]

Statement by Lieut.Thomas F.Evans Chelsea Police Department.

On March 12,1965 I received a call from the station that a man had been shot and was in the alley in the rear of the Lincoln National Bank.I received this call at 11:15P.M.

I arrived at the above location at approximately 11:30 P.M.In this alley at that time were Chief Burgin,Lieut.Fothergill,Sergt.Charles McHatton,Capt.Renfrew and Officer James O'Brien.There were about fifteen or twenty people standing about the sidewalks and street that were being kept away from the alley by other uniformed officers.

On eneering this alley a distance of thirty feet,I observed a man who I knew as Edward "Teddy" Deegan lying on his back with his feet in the direction of Fourth St.He was fully clothed with a suit and topcoat,white shirt but no tie.There were gloves on his hands.There was a 12"screwdriver with a black handle and red top on the ground about ten inches from his left hand.There was a fresh pool of blood by his left knee and blood appeared to be still oozing from the rear of his head.There were two metal clad doors ajacent to the body that lead into a office building at #375 Broadway.These doors are 4'8" X 6'3"in height.The alley is 203'long and 8'wide from the sidewalk on Fourth St.to approximately 105' into the alley where it then widens 9'6".There is a fire escape on the left side of the alley about 140' in from Fourth St.This escape is for the tenants at #387 Broadway.

Officer O'Brien told me that he was checking doors prior to making his 11 P.M.ring at Box #22(Broadway & Fourth Sts)and when he went into the above alley he observed a figure crouched over by the above mentioned doors on closer observation with his flash light he observed the blood.He then went to Box #22 and called for assistance O'Brien stated he had last tried these doors at 9 P.M.all was okay. At that time he had put the lights on in the alley.These lights are controlled by a switch that is located on the door casing on the last doorway on the left side of the alley.(Putting these lights on at dusk is the regular routine of the Officers that work route #12.) When O'Brien found the body the lights had been turned off and the door leading into the rear of 375 Broadway was open.

Lieut.Edward Fothergill gave me two complete metal jacket bullets with a right hand rifling twist,one smaller jacketed bullet with full metal jacket also four pieces of copper jacket and a piece of lead core that had been picked up in the alley. I later turned these over to Lieut.John F.Collins of State Police Firearms Identification.Lieut.Fothergill told me that they had to move Deegans bodyyfrom a crouched position to one lying flat on his back so that they could enter the open doorway and make search of the hallways of #375 Broadway.Nothing was found.

Shortly after I had arrived at the scene Attorney Alfred Farese accompanied by Anthony J.Stathopoules,he was allowed into the alley where he made identification of Deegan.He then was engaged in conversation with Chief Burgin and Capt. Renfrew.I was later informed by the Chief and Capt.that Farese had stated that he had received a telephone call from a former client that Deegan and Roy French were in trouble in Chelsea and had been arrested while doing a B & E.This client also told him that a policeman was to make arrangements to leave the door open.

EXHIBIT 11

As a result of having the above information given to me,I spoke to Farese and he repeated the story to me. I asked him if Stathopoulos was the former client of whom he spoke and he said no that he had

asked Stathopoulos to give him a ride to the Chelsea Police Station.He would not reveal the name of this party.

Dr.Meyer Kraft came to the scene and pronounced Deegan dead at 11:43 P.M. The Medical Examiners Office had been notified and Dr.Luongo came to the scene and viewed the body and removed same.

I had received information from Capt.Joseph Kozlowski that about 10 P.M.he had observed a red motor vehicle parked on Fourth St about 150' from the alley in question and there were three men in this car,two in front and one in the rear.He observed the first three digits of this plate as 404 but could see no other numbers as the plate had been bent over from right to left.As he went over to discuss the plate with the occupants the car pulled away from the curb and made a right turn on Broadway.

At approximately 12:30 A.M.on 3-13-65 with Capt.Renfrew, Det.Moore,Revere detectives and myself we went to the Ebb Tide on the Revere Beach Boulevard and made observations of a red,1963 Olds.Conv.Mass.Reg.404-795 that was registered to Joseph Martin of 19 Fleet St.No.End Boston.The plate on the rear of this vehicle was creased down the middle.We went into the cafe and told Wilfred Roy French that were were placing him under arrest for S.P.of a Felony-Murder and that were would be taking him to the Chelsea Police Station.I then requested Martin to bring his car to the station and he agreed to do so.Franis Imbuglia went along with Martin in Martin's car. On arriving at the station I had French taken up to the detective bureau and Martin and Imbuglia waited down stairs in the Seargeants room.With Capt.Renfrew I had Capt. Kozlowski view Martin's car that was parked in front of the station. He stated that the car looked like the one that he had seen earlier in the evening on Fourth St.but that he could not say it was the car.We then went into the Seargeants room to talk with Martin but both he and Imbuglia said they had nothing to say and that if it was not a pinch that they were going to leave. They then left the station.Capt.Kozlowski could not recognize these men.

I them went up to the detective bureau with Capt.Renfrew where I informed French of his rights.He said that he would have nothing to say until he spoke to his lawyer.At about 1:45 A.M. his Attorney,John Fitzgerald of Farese's office,arrived and had a conversation with French.French then gave us the information necessary for the booking card.In reply to a question of his occupation he stated that he was employed as a Maitre De at the Ebb Tide at a salary of $100.00 weekly.Asked as to what time he had gone to work on the evening of 3-12-65 he said that he had gone to work about 8 P.M. and had been there until we had taken him from there. At this point French refused to answer any more questions.I had Capt.Kozlowski look at French but he could not recognize him as being ~~being~~ in the car that he had observed earlier. I then observed what appeared to be bloodstains on the right sleeve of French's coat and also on his right shoe.It appeared that a attempt had been made to remove these stains by rubbing them. I had Capt.Renfrew view these objects.I then asked French how he had this blood on the coat and shoes.French said that while working at the Ebb Tide on 3-12-65 that there had been two different fights and that while breaking them up he had got blood on his clothes.A later check with one Joseph Errico of 37 Atwood St.Revere,a reserve police officer

of the Revere Police Department,reveals that Errico had been working on Friday and Saturday nights at the Ebb Tide for the past month.He goes to work at 9:15 P.M. until 1:30 A.M. He stated while working on 3-12-65 that some unknown fellow had been bothering a girl and that a other unknown party had punched this fellow cutting him about the eye and causing him to bleed profusely.States that because of the numbers of people in the Cafe that he could not say if French had left the place or not.He could not remember what time that this fight had occured.Also employed as a special police officer at this cafe is one Richard Currie of 39 Agawam St.Revere from whom we received no information.

French was allowed to sign a release waiver and leave the station with his attorney John Fitzgerald.

On the morning of 3-13-65,by arrangement,I had Attornies Farese,Fitzgerald and Anthony Stahopoulos come to the detective bureau where I again asked Farese to repeat his story of the previous evening relative to his exclient calling him to tell him of Deegan and French having been arrested by the Chelsea Police.He repeated the same story.I asked if this caller was at present a client of his and he said no.I asked for the name of his informant and he refused to name him.I asked if the name of the police officer who was alleged to have left the door open was known to him and he said no.

Stahopoulos refused to answer questions on advice of his attorney.

Attorney Fitzgerald informed me that he had received a telephone call from Deegan at 8:15 P.M.on 3-12-65 and that he could hear music in the background.I asked Fitzgeral the reason for the call and he told me that Deegan called him every night to let him know that he (Deegan) was okay.

I received information from Capt.Renfrew that a informant of his had contacted him and told him that French had received a telephone call at the Ebb Tide at 9 P.M. on 3-12-65 and after a short conversation he had left the cafe with the following men; Joseph Barboza,Ronald Cassesso,Vincent Flemmi,Francis Imbuglia, Romeo Martin,Nicky Femia and a man by the name of Freddi who is about 40 years old and said to be a "Strongarm".They are said to have returned at about 11:P.M. and Martin was alleged to have said to French,"We nailed him".

Information received from a Mr.John T.Asten a tenant in apartment #8 at #387 Broadway. Asten states that at 9:30 P.M. on 3-12-65 he heard five sharp cracks and went out onto the fire escape which leads into the alley in question and that the lights were out in the alley and he could see or hear nothing.

I spoke with Vito Pagliarulo,age 55,of 98 Carroll St. Chelsea who is employed as a janitor at 375 Broadway and he informed me that he had left work on 3-12-65 at 3P.M. and he did not know if the rear door had been locked at this time or not.

EDMUND L. MCHAHARA
POLICE COMMISSIONER

City of Boston 2
Police Department

BUREAU OF INSPECTIONAL SERVICES
INTELLIGENCE DIVISION

Report of Information Received

BY TELEPHONE _____ CONTROL NUMBER _____

WRITTEN COMMUNICATION _____ TIME _____

IN PERSON _____ DATE March 14, 1965

SOURCE OF INFORMATION Informant

SUBJECT Murder Of Teddy Deegan in Chelsea on March 12th

LOCATION _____

DETAILS: From a reliable informant the following facts were obtaine
to the above murder: Informant states that the following men were
Joseph Barrent aka Barboza, Romeo Martin, Freddie Chiampi, Roy Fren
Ronnie Cassesse, Tony Stats. (Greek) Chico Amico, Informant stat
Roy French and Tony Strats. were suppose to lure Deegan to some-
on the pretext of doing a B&E and the other men were to be waiti
the area to kill him, Informant states that they were over-
lounge in Revere when they received the call from French that ev
was O K then they all left together. After the Killing Romeo Mar
upset because somebody he thought took the number of his car aft
killing. Romeo Martin was a former informant but since hanging
North End hasn't been to helpful. I then talked to Martin and tol
the Police were looking for him in the hope that he would give so

REMARKS _____

REFERRED TO _____

RECEIVED BY _____

000436

Informant states that the reason for the killing of Deegan was that Barren claims that he is with the Hughes brothers and McLaughlins and he felt he Deegan was a threat to his friends in Roxbury(Flemmi & Bennett).

Department of Public Safety

1010 Commonwealth Avenue, Boston 02215
March 15, 1965

VE BUREAU

o: Captain of Detectives Daniel I. Murphy
rom: Det. Lieut. Inspector Richard J. Cass

ubject: Homicide of Edward C. "Ted" Deegan

1. On Saturday, March 13, 1965, I went to the Chelsea Police Department to aid in the investigation re the death of Edward C. "Ted" Deegan, dob 1/2/30, of 17 Madison Street, Malden, in accordance with your instructions.

2. Officer James O'Brien, the routeman, stated that about 10:50 P.M. on Friday, March 12, 1965, while checking the doors on his route, he entered the alley in the rear of the Goldberg Building at 375 Broadway and found a body, later identified as Deegan, in a pool of blood in front of the open rear door of the building. He was apparently dead and was in a crouched position in front of the doorstoop. A screw driver was lying on the ground near the body. He notified the station. Dr. Kraft arrived at the scene and pronounced Deegan dead. The body was removed by the Medical Examiner, Dr. Luongo, to the Southern Mortuary. Officer O'Brien stated that at about 9:00 P.M. he had checked the alley and put the overhead light on before continuing his rounds. When he returned at about 10:59 P.M. the light was out and he entered the alley to make a check and discovered the body.

3. The Chelsea Police brought to the station one Anthony J. Stathopoulos, dob 9/22/34, medium complexion, 5'9", 165, brown hair and eyes of 17 Madison Street, Malden, and one Wilfred Roy French, dob 3/13/29, medium complexion, 6', 210, blue eyes, brown hair, of 31 Pleasant Street, Everett. Both subjects were released after questioning. Information was received by this officer that when French had been questioned there were spots on his trousers that appeared to be blood and an attempt had been made to wash it off. Lt. Evans of the Chelsea police stated he questioned French relative to the spots and French claimed that it was blood that came from a fellow who had a fight at the Ebbtide in Revere.

4. Israel Goldberg, owner of the building, was questioned and he said he left the building between 3 and 4 PM.

5. Vito Pagliarielo of 90 Carroll Street, Chelsea, custodian of the building, stated that he checked the rear door about 2:00 P.M. on Friday and it was locked. This door was a double door with slide locks on the top and bottom that had to be released by hand from the inside.

6. Attorneys John Fitzgerald and Alfred Farese were interviewed. Mr. Fitzgerald stated that he received a call from Deegan about 8:45 P.M. on Friday and that he received calls from Deegan every day.

7. Mr. Farese stated that about 10:15 P.M. on Friday he received a call from a client, whom he refused to identify, and the client stated that he heard Deegan had been in a gun fight with the police. Mr. Farese called the police station seeking to verify the information but the police knew nothing about it. Mr. Farese claimed that he called Stathopoulos who came over and rode him to the police station at about 11:05 PM. Upon their arrival, they were informed that Deegan was dead. They went to the scene of the crime and then returned to the police station where Stathopoulos was questioned by Lt. Evans and Capt. Renfrew and released.

8. During the investivation, information was received by this officer that Deegan, French and Stathopoulos had planned to break into the Beneficial Finance Company on the second floor of the Goldberg Building and that the rear door was to be left open for them.

9. During the eveing of Friday, March 12th, French was at the Ebbtide, 302 Boulevard, Revere, with Joseph Barboza aka Baron, Francis Imbuglia, Ronald Cassosa, Vincent "Jimmy" Flemmi, Romeo Martin, Nick Femia and a man known as "Freddy" who is a strong arm man. All the above men have criminal records. About 9:00 P.M., French received a phone call and the above group left the place with him.

10. About 9:30 P.M., Captain Joseph Kozlowski of the Chelsea Police was in the vicinity of Fourth Street about a half block from the scene of the crime and saw a red car with the motor running and three men sitting in it. Two men were in the front seat and one in the rear. The car was parked at the second meter from Broadway, on Fourt Street, between Broadway and Luther Place on the side near the Polish American Veterans Club. The Captain walked behind the car and noticed the rear number plate with the right half of the plate folded towards the center obstructing the last three digits. The first three numbers were 404---. He went to the drivers side of the car and rapped on the window notioning the driver to lower the window. The driver took off at a fast rate of speed and took a screeching turn to the right on Broadway. The Captain described the driver as Romeo Martin and the man in the back seat as stocky with dark hair and a bald spot in the center of the head.

11. Further information was received that about three weeks prior Deegan had pulled a gun on Barboza, aka Baron, at the Ebbtide and forced him to back down and that this was the cause of Deegan's death.

12. Unconfirmed information was received that Romeo Martin and Ronald Cassesa had entered the building and were waiting just inside the rear door. Stathopoulos was waiting on Fourth Street in a car and French and Deegan entered the alley. Deegan opened the rear door. He was shot twice in the back of the head and also in the body. The information at the time was that three guns were used. Lt. John Collins of Ballistics confirmed the report of three guns being used at a later time. Two men approached the car in which Stathopoulos was waiting and he took off.

13. A canvas of the neighborhood was made and Mrs. Grace Luciano of 12 Fourth Street, 2nd floor, and her daughter, Camille, both stated that about 10 P.M. or earlier they heard about 5 shots and they looked out the window on Division St., and saw two cars both racing their motors. One was a new black sedan and the other an old green sedan, make unknown. She saw a man running up the middle of Fourth St., toward Hawthorne about 5' 8", heavy build, dark hair, no hat, dark olive pants, brown waist coat. The account of the two cars was verified as a disabled car and a car that came to help him.

14. Information was also received that Martin's car had left the Ebbtide at 9:00 PM and had returned about an hour later and parked in a different place on its return.

Richard J. Cass
Detective Lieut. Inspector
Massachusetts State Police

Mr. BALLIRO. You know, one needs only to look at the transcript of the record of the trial in this case. If anything, a glimpse of all of that information had been furnished to defense counsel, it would have resulted in a flurry of discovery motions and days of cross-examination of Mr. Barboza and other witnesses that we would then put on the witness stand.

Mr. SHAYS. You would have had an absolute field day. Exhibit 15 was the Airtel to Director of the FBI from the special agent in charge, dated March 19th, which was actually dated after the murder, but described what they had been told would be the murder—what was going to take place, and in fact the murder did take place. And, again, your witness was not mentioned in any of these as well.

[Exhibit 15 follows:]

3/19/65

AIRTEL

TO : DIRECTOR, FBI [redacted] F

FROM: SAC, BOSTON [redacted] P

CRIMINAL INTELLIGENCE PROGRAM
BOSTON DIVISION

The following are the developments during the current week:

On 3/12/65, EDWARD "TEDDY" DEEGAN was found killed in an alleyway in Chelsea, Mass. in gangland fashion.

Informants report that RONALD CASESSA, ROMEO MARTIN, VINCENT JAMES FLEMMI, and JOSEPH BARBOZA, prominent local hoodlums, were responsible for the killing. They accomplished this by having ROY FRENCH, another Boston hoodlum, set DEEGAN up in a proposed "breaking & entering" in Chelsea, Mass. FRENCH apparently walked in behind DEEGAN when they were gaining entrance to the building and fired the first shot hitting DEEGAN in the back of the head. CASESSA and MARTIN immediately thereafter shot DEEGAN from the front.

ANTHONY STATHOPOULOS was also in on the burglary but had remained outside in the car.

3-Bureau
1-Boston

JFK:pos'b
(4)

SEARCHED ____
SERIALIZED 0
INDEXED ____
FILED 0

F [redacted] -1820

0000 4

EXHIBIT
15

[redacted] F

When FLEMMI and BARBOZA walked over to STATHOPOULOS's car, STATHOPOULOS thought it was the law and took off. FLEMMI and BARBOZA were going to kill STATHOPOULOS also.

Immediately thereafter, STATHOPOULOS proceeded to Atty. AL FARESE. FARESE called the Chelsea, Mass. PD before Chelsea knew of the killing and FARESE wanted to bail out ROY FRENCH and "TEDDY" 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 necessary information to prosecute the persons responsible.

It should be noted that this information was furnished to the Chelsea PD and it has been established by the Chelsea Police that ROY FRENCH, BARBOZA, FLEMMI, CASESSA, and MARTIN were all together at the Ebb Tide night club in Revere, Mass. and they all left at approximately 9 o'clock and returned 45 minutes later.

It should be noted that the killing took place at approximately 9:30 p.m., Friday, 3/12/65.

[redacted]

[redacted] B

Informant also advised that [redacted] had given the "OK" to JOE BARBOZA and "JIMMY" FLEMMI to kill [redacted] who was killed approximately one month ago.

Page 3 of serial 1870 is being deleted in its entirety for codes: F, B.

Mr. BALLIRO. Absolutely not.

Mr. SHAYS. Mr. Bailey, you had—I now would like to turn to exhibit 26. This is an affidavit that Joseph Barboza signed in front of a notary, and this was at your request. Is that true?

[Exhibit 26 follows:]

m: John Cavicchi Attorney at Law Fax: 617-567-4697 Voice: 617-567-4697

Exhibit

EXHIBIT-
ADMITS
PERJURY

A F F I D A V I T

Personally appeared before me Joseph Baron, also known as Joseph Barboza, and, being under oath, deposed and said as follows:

I, Joseph Baron, also known as Joseph Barboza, under oath, and free from duress or coercion directly or indirectly of any kind whatsoever say as follows:

1. That I am the same Joseph Baron (Barboza) who testified in the trial of Commonwealth v. French, et als--Nos. 31601, 32365 to 32370 inclusive.

2. That I wish to recant certain portions of my testimony during the course of the above-said trial insofar as my testimony concerned the involvement of Henry Tameleo, Peter J. Limone, Joseph L. Salvati and Lewis Grieco in the killing of Teddy Deegan.

3. That the testimony I now offer to give concerning the killing of Teddy Deegan and those individuals responsible for his death will be the whole truth known to me.

Joseph Baron

Then personally appeared before me the above-named Joseph Baron, also known as Joseph Barboza on 28th day of July, 1970 and swore that he had read the foregoing affidavit and that the facts therein stated are true.

Notary Public

My Commission Expires: Jan 21, 1974

000967

EXHIBIT
26

Mr. BAILEY. Yes. And the notary was my law partner.

Mr. SHAYS. Thank you. Would you read No. 1 and No. 2, "that I am the same"?

Mr. BAILEY. You mean Paragraphs 1 and 2?

Mr. SHAYS. Yes. Thank you.

Mr. BAILEY. OK. "That I am the same Joseph 'Baron' Barboza who testified in the trial of the Commonwealth v. French," with numbers.

No. 2, "That I wish to recant certain portions of my testimony during the course of the above-said trial insofar as my testimony concerned the involvement of Henry Tameleo, Peter J. Limone, Joseph L. Salvati and Lewis Grieco in the killing of Teddy Deegan."

Mr. SHAYS. So basically, he is acknowledging—and he was in fact the only witness in their—he was the witness against these individuals. Is that correct?

Mr. BAILEY. The men were sentenced to death on the sole basis of Barboza's testimony.

Mr. SHAYS. And he is saying that he did not testify accurately. Is that not true?

Mr. BAILEY. Yes, he certainly is.

Mr. SHAYS. OK. So you have this document, and walk me through again what you did with this document.

Mr. BAILEY. I believe I sent it to the attorney general.

Mr. SHAYS. OK. And the attorney general at the time was?

Mr. BAILEY. Robert Quinn.

Mr. SHAYS. Now, in the State of Massachusetts, the attorney general does criminal as well as civil? In the State of Connecticut it's only civil but——

Mr. BAILEY. He has a supervisory role and can take over most any case, as Senator Brooke did the strangling cases that were being handled by several jurisdictions.

Mr. SHAYS. And it's not like frankly you're a lightweight attorney. It's not like you aren't well known. It's not like this would have just passed through his desk and somehow slipped through. I mean, this came with your signature, and this was the affidavit. And in your letter, did you outline what was said in the affidavit? Do you remember?

Mr. BAILEY. I believe I said generally that Mr. Barboza was looking for a vehicle to make the truth known without being penalized too heavily.

Mr. SHAYS. OK. So the bottom line to it is, though, you got what kind of a response?

Mr. BAILEY. None.

Mr. SHAYS. By none, you got no thank you, or you didn't get a no thank you?

Mr. BAILEY. No. I got no response.

Mr. SHAYS. OK. I just need to know what you would do after that. If you got no response, is it kind of case closed or——

Mr. BAILEY. Well, bear in mind on the day this affidavit was signed, I believe according to other documents you have, Barboza was visited by the Federal prosecutors, and that ended my relationship with him.

Mr. SHAYS. OK.

Mr. BAILEY. And the lie detector test was canceled.

Mr. SHAYS. OK. So this relates to the lie detector——

Mr. BAILEY. Yes.

Mr. SHAYS. In other words, all of this is related to the same——

Mr. BAILEY. He was to take the test to verify the fact that he was now truthfully saying these four men had nothing to do with it and that he lied in the Federal case against Raymond Patriarca and others.

Mr. SHAYS. So you seem to not just imply, but you're saying quite strongly that the FBI, aware of this affidavit, was basically saying you shouldn't have any more relationship with Mr. Bailey?

Mr. BAILEY. Well, after their visit, I never did.

Mr. SHAYS. OK. What is the penalty in Massachusetts—I don't know if either of you qualify—for giving false testimony in a trial?

Mr. BAILEY. Well, there's a penalty for perjury, which I believe carries 5 years or more, but there's a special statute for perjury in a capital case, and life is the punishment, and was then.

Mr. SHAYS. So for me, the nonattorney, if Mr. Salvati was going to be sentenced potentially to capital punishment—and receive the death penalty, then if someone else gave false evidence, they could be subject to the same penalty?

Mr. BAILEY. Not the death penalty, but life.

Mr. SHAYS. Life. OK. What is the penalty for helping a witness give false testimony?

Mr. BAILEY. Well, perjury and suborning perjury are usually treated equally in the eyes of the law, and I would say that if I were the prosecutor, a good case could be made for the architects of perjured testimony to suffer the same penalty as the perjuring witness.

Mr. SHAYS. And what is the penalty for a law enforcement officer withholding evidence important to a case?

Mr. BAILEY. Unfortunately, to my knowledge, it is no greater than the average felon marching down the street. I believe there should be much stiffer penalties for those entrusted with great power and respect who choose to abuse that power, as was done here.

Mr. SHAYS. In the third panel, we have Mr. Paul Rico, retired FBI special agent. We also requested that Dennis Condon, retired FBI special agent, testify. Mr. Condon, I believe, will not be able to show up, and I believe——

Mr. BURTON. We will question him. He, on the advice of his physician because of health reasons, couldn't be here.

Mr. SHAYS. So we will be having Mr. Paul Rico after you testify. Would you describe to me—both of you gentlemen, would you describe to me what you think their involvement was in this case?

Mr. BAILEY. My only personal contact with Paul Rico was when he came to my office shortly after John Kelley had become a government witness and been incarcerated in the Barnstable County Jail. Prior to testifying in the Federal case, which he appeared as a witness who had organized an escape route for a murder requested by or ordered by Raymond Patriarca, and he later told me that story was one that he was told he would have to tell. Since he was unwilling to implicate me in my felonies, Patriarca was the only acceptable trade for his freedom, which he got. But I saw him many times after the trial was over.

The only other knowledge I have of Mr. Rico's activity was one of which I am highly suspicious, and that was in the attempt to convict your colleague, Alcee Hastings. He was up to his ears in that.

Mr. BALLIRO. May I say this, Congressman?

Mr. SHAYS. Yes.

Mr. BALLIRO. It's, to me, unconscionable, given what we know now, seeing these internal documents that were going up the line to the Justice Department to just before, during, and after the Deegan killing, many of them authored by Special Agent Rico. I mentioned the testimony of Agent Dennis Condon during the course of the Deegan trial. And to sit by and just let that happen, I don't know that there's any penalty for that, but I can't imagine anything worse for a law enforcement officer to do. Talk about obstructing justice, much less a perjury. This is fashioning the obstruction of justice with a determined purpose to frame people, and that's happened. They were framed.

Mr. SHAYS. Well, we won't have Mr. Condon here today to ask questions, but I do look forward to asking Mr. Rico a number of questions that are the result of our two panels. I thank you both for being here. At this time I have no more questions.

Mr. BURTON. Thank you, Mr. Shays. Do you have questions, Mr. Barr? We'll come to you in just a minute.

Mr. BARR. I think both of you gentlemen are aware of the Justice Task Force on this and related matters that was formed in January 1999. Are you all familiar with that?

Mr. BALLIRO. I have a peripheral awareness of it, Congressman, but——

Mr. BAILEY. I am aware of Mr. Fishman, who is partly responsible for smoking out this mess.

Mr. BARR. Mr. Bailey, has the task force contacted you and communicated with you to gather information?

Mr. BAILEY. They have not.

Mr. BARR. And they have not contacted you, Mr. Balliro?

Mr. BALLIRO. They have not.

Mr. BARR. Well, the Justice Task Force was formed in January 1999—2 years ago. And the investigation, its history and a brief synopsis of its work, is contained as an attachment to the Director Freeh statement that he furnished to us. Was that included, Mr. Chairman, in the earlier——

Mr. BURTON. In the record?

Mr. BARR [continuing]. Record?

Mr. BURTON. Yes. We included not only Director Freeh's letter but the contents of the attachment.

Mr. BARR. OK. There is a case that has risen out of the Justice Department's task force in this case involving John Connolly, Bulger, Whitey Bulger and Flemmi. Are either of you aware of the status of—I know there has not yet been a trial, but are you aware of the status of that case?

Mr. BALLIRO. It's in its very early stages, I would suggest to you. I know the counsel for John Connolly, Tracy Minor from Mince, Lever, and they've just begun to scratch the surface, both defense-wise and prosecution-wise. So it's going to be a long time before that case goes to trial.

Mr. BARR. Now, Mr. Bailey—I'm not sure which one of you is better qualified to do this, but could you just briefly describe—this fellow Bulger's name keeps surfacing in all of this. What role does he play in these goings-on? I know he's part of this case, in which an indictment and then a superseding indictment was brought by the Justice task force, but how does he fit into all this, if at all?

Mr. BALLIRO. Well, he was the handler, of course, for both Bulger and for Steve Flemmi, the handler in this——

Mr. BARR. Connolly?

Mr. BALLIRO. Connolly was—John Connolly was. My understanding from his remarks to the media at or about the time that he was indicted was that he didn't know what bad people they were, and as far as he knew, Steve Flemmi was just—well, maybe a bookmaker and perhaps a loan shark. So they were willing to give him a pass on those kinds of activities.

But I can tell you this, Mr. Congressman. I've lived in that area my entire life and got a pretty good street sense of everything that is going on. And I can tell you that every kid in south Boston, which was their area, understood very, very clearly what violent people both Flemmi and Bulger were. They terrorized that area. When they walked into a place of business, people actually quaked. John Connolly comes from that area. It's just unconceivable to me that he didn't know what every kid on the street in south Boston knew, much less all the rest of law enforcement, both State and local, in Massachusetts knew.

And, by the way, I've had many, many cases involving shylocking, and time and time again at sentencing I've heard prosecutors stand up and tell judges what a terrible, violent crime shylocking was. So for John Connolly, an FBI agent, to demean it and deprecate its importance or its lack of violence is just unconceivable to me.

Mr. BARR. And Bulger was an FBI informant for a fairly long period of time, too, wasn't he?

Mr. BAILEY. Until he became a fugitive, yes.

Mr. BARR. For over 20 years he was an informant?

Mr. BAILEY. So far as we can sort out, because Flemmi knows all about it, and Flemmi has made that known to the court as his defense in a racketeering case. In other words, he says I was set in motion by the government. You can't now turn on me; I have, in effect, immunity. And that is the defense he has raised. He has since been indicted for murders all over the country, and they're still digging up bodies as of this time to indict Flemmi.

Mr. BALLIRO. And, Mr. Congressman, may I just say this in addition, because I think this may be important to counsel as a source of information. Back in the early 1980's, between 1980 and 1985 when the Anguilos were prosecuted, there were—I don't want to exaggerate it—but carefully, I say, many, many, many hundreds of hours of wiretapping in two different locations in the north end of Boston conducted by agents of the Federal Bureau of Investigation, and you don't have to get into too many pages to start hearing Bulger's name and Flemmi's name being mentioned in connection with the most violent of offenses.

Now, apparently Agent Connolly, Agent Rico, agent whoever, didn't know what those wiretaps contained. Everybody in the world

knew it in 1985 when they were finally released. They had all been put by Judge Nelson, who handled that case, in my custody until the court proceeding, the actual trial took place. So we knew about it in between 1983, 1984 and 1985 when the trials began, but then the public knew, and those were open for anybody's examination.

Mr. BARR. I'm not personally yet familiar with this case that the Justice task force has brought, but according to the material furnished by Director Freeh yesterday, this brief synopsis indicates that the December 1999 indictment was returned against retired FBI Senior Special Agent John Connolly, Bulger and Flemmi. Do you all know what the nature of the charges against Connolly were or are?

Mr. BALLIRO. Included in them, I believe, are accessory to murder charges.

Mr. BAILEY. I think that was a——

Mr. BARR. So arising out of the dealings with these gentlemen as—or these men as informants?

Mr. BALLIRO. Well, they claim—Connolly claims, of course, that he didn't know anything about murders. I mean——

Mr. BAILEY. I believe, Congressman, that the first indictment affecting John Connolly was for obstruction and related offenses and that a new indictment was brought, dragging him in as being responsible in part for murder.

Mr. BALLIRO. What happens is the government keeps flipping people, and between the first indictment and the second indictment, they flipped a confidante of Bulger and Flemmi, a man by the name of Kevin Weeks, who now is a cooperating witness with the government. He was able to tell them about many of these murders, because he participated in things like hiding the bodies and burying the bodies and digging them up and reburying them. You know, like some movies that we've seen recently, this all happened, and they found those bodies. And the government has gone in, they're digging up places, and these bodies keep coming up now, all of which Kevin Weeks tells them exactly where they are, and that's why you're getting these—and I'm not sure the indictments are all finished either. I believe there may be superseding indictments in those cases.

Mr. BARR. Thank you very much. I appreciate both of you gentlemen sharing both your history in these cases, as well as your vast expertise on these type legal matters with us and look forward to continue to work with you as we try and fashion some additional safeguards to avoid these things happening in the future. Thank you.

Mr. BURTON. Thank you, Mr. Barr.

Mr. Delahunt, did you have one more question?

Mr. DELAHUNT. Yes, I do. I just wanted to make a note, too, that—I don't know whether it was Mr. Bailey or Mr. Balliro that indicated that Mr. Connolly was the so-called handler for both Bulger and—Flemmi.

Mr. BALLIRO. Steve Flemmi.

Mr. DELAHUNT. Steve Flemmi. Are you aware—obviously both had been informants prior to Mr. Connolly's coming to the Boston office of the FBI? Are you aware of—whom the FBI handler was for Mr. Bulger or Mr. Flemmi, Mr. Steven Flemmi? Maybe you——

Mr. BALLIRO. Well, whether he can be named as a handler or not, I don't know, but from the materials that I'm now reading just recently in late December that have been revealed, it appears that Special Agent Rico very well could be categorized as a handler, at least of Steven Flemmi.

Mr. DELAHUNT. So it's a——

Mr. BALLIRO. I don't know if there's anything about——

Mr. DELAHUNT. Right. I reviewed those too, and I reached the same conclusion. But I guess it's a fair statement to say that Steve Flemmi went from the supervision of Mr. Rico to the supervision of Mr. Connolly?

Mr. BALLIRO. It appears to be that way.

Mr. DELAHUNT. He was passed in that direction. Joe, if I can just ask this question, because I think when I listen to the questions of my colleagues here, particularly Mr. Shays, I think it's important to try to clarify how a homicide investigation, which is a State prosecution, is conducted in Massachusetts, specifically in the case of Deegan. Am I correct when I say usually it is the local police department, and sometimes there is assistance from the State police; and rarely, but sometimes, it does occur there is assistance from the FBI?

Mr. BALLIRO. This was highly unusual. It's a very rare case that the FBI, in my experience, has been participating so intimately in the preparation, investigation and prosecution of a criminal—of a State case of homicide. But they were all over this one.

Mr. DELAHUNT. So they were intimately involved in the trial preparation. They were witnesses. They were present when this case was being prosecuted?

Mr. BALLIRO. That's correct.

Mr. DELAHUNT. Thank you.

Mr. BURTON. Well, let me just thank both of you very much. You've been very, very helpful. We realize that you're very prominent attorneys. And Mr. Wilson, with whom you've worked, and I and the rest of the panel wants to thank you very much for being here, because I know that it took time out of your busy schedules, which in your income brackets is pretty expensive.

So we really appreciate you very much being here and giving us information. We would like for you if we have additional questions to respond to them in writing if you wouldn't mind.

Mr. BAILEY. Thank you very much.

Mr. BURTON. Thank you very much. We will now go to our third panel, which is Mr. Rico. Would you come forward, please?

[Witness sworn.]

Mr. BURTON. Do you have an opening statement, Mr. Rico?

STATEMENT OF H. PAUL RICO, RETIRED FBI SPECIAL AGENT

Mr. RICO. I have no opening statement.

Mr. BURTON. We will go directly to questions then.

You have heard the statement about the murder which took place which involved the conviction of Mr. Salvati. Were you aware that he was innocent?

Mr. RICO. I was aware that he was on trial and he was found guilty. That's all I know. I have heard what has transpired and I

believe that it's probably, justice has finally been done. I think he was not guilty.

Mr. BURTON. Were you aware——

Mr. RICO. I am saying that until I heard the facts, which is the first time I have heard the facts is today, that I was not convinced that he was innocent until today. I'm convinced he was innocent.

Mr. BURTON. Well, you were one of the FBI agents in the Boston office at the time. Were you not aware of any of the statements or documents that we have been able to uncover during our investigation?

Mr. RICO. I think I caused some of those documents to be written. I think I wrote some of those documents, and when I identified who I knew from an informant who committed this homicide, but as someone has said before, the information is a lot different than testimony.

Mr. BURTON. You knew—according to the record, you sent a memo to FBI Director Hoover, as I understand it, saying that you had been informed that Mr. Deegan was going to be hit or murdered?

Mr. RICO. That's probably true, yes.

Mr. BURTON. And you knew before the fact that was going to occur?

Mr. RICO. We have had several of those things happen in the past. I have been involved in warning some of the people that have been targeted in the past.

Mr. BURTON. Did you or anybody in the FBI let Mr. Deegan know that he was going to be hit?

Mr. RICO. It's possible because——

Mr. BURTON. Wait a minute.

Mr. RICO. I want to say to you that normally when we hear something like that we try to figure out how we can do something to be able to be of assistance, like make an anonymous phone call or call the local police department or something along that line. I don't know what happened in that case. Whether or not someone did notify him or not, I don't know.

Mr. BURTON. Did you know Mr. Barboza?

Mr. RICO. I came to know Mr. Barboza.

Mr. BURTON. Did you know him prior to the Deegan murder?

Mr. RICO. No.

Mr. BURTON. Did Mr. Condon know him prior to the Deegan murder?

Mr. RICO. No, I don't think he did.

Mr. BURTON. So he was not working with you and he was not an informant or anything?

Mr. RICO. That's right.

Mr. BURTON. How about Mr. Flemmi?

Mr. RICO. At one time I had Steven Flemmi as an informant. He has admitted that before Judge Wolf and all of the contacts were exposed between my contacts with him and those contacts that were written—were introduced before Judge Wolf.

Mr. BURTON. Did you know he was a killer?

Mr. RICO. No.

Mr. BURTON. Did you not know he was a killer?

Mr. RICO. I knew that he was involved in probably loan sharking and other activities but, no.

Mr. BURTON. Well, it's testified here by several witnesses, including the last two, that it was fairly well known on the north side of Boston that he was to be feared and that he was killing people, but you in the FBI didn't know about that?

Mr. RICO. Are we talking about Steven Flemmi or Vincent Flemmi.

Mr. BURTON. Vincent Flemmi, Jimmy Flemmi.

Mr. RICO. Oh, Vincent Flemmi. I think when I was in Boston I would have known that Vincent Flemmi had committed homicide.

Mr. BURTON. Did you have any dealings with him?

Mr. RICO. Not really, no.

Mr. BURTON. Did Mr. Condon have any dealings with him?

Mr. RICO. I think at one time he might have opened him up as an informant, I don't know. I don't personally know.

Mr. BURTON. But neither you nor Mr. Condon knew anything about his involvement in the Deegan murder prior to the murder?

Mr. RICO. I can only speak for myself, and it's possible that I had information that he might have been involved or going to be involved.

Mr. BURTON. Well, there was a memo from you to FBI Director Hoover that was 2 or 3 days prior to the killing that said that you had information that Mr. Deegan was going to be hit or killed?

Mr. RICO. Yeah.

Mr. BURTON. Did you not know who was going to be involved in that? You did not know Mr. Barboza or Mr. Flemmi was going to be involved?

Mr. RICO. Is that document before me?

Mr. BURTON. Where is that document, Counsel? He would like to look at that real quickly, the document that went to FBI Director Hoover informing him that there was—it's exhibit No. 7, in front there.

[Exhibit 7 follows:]

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F [redacted]-2597pg.2

Boston Airtel to Director, 3/10/65 entitled: [redacted]

B, M

F [redacted] advised on 3/3/65 that [redacted] contacted Patriarca and stated he had brought down VINCENT FLEMMI and another individual (who was later identified as Joe Barboza from East Boston, Mass.) It appeared that [redacted], Boston hoodlum, was giving orders to FLEMMI to "hit this guy and that guy".

B

Raymond Patriarca appeared infuriated at [redacted] giving such orders without his clearance and made arrangements to meet FLEMMI and Barboza in a garage shortly thereafter. He pointed out that he did not want FLEMMI or Barboza contacting him at his place of business.

F [redacted]-2597pg.5

Angiulo told Patriarca that VINCENT FLEMMI was with Joe Barboza when he, Barboza, killed [redacted] in Revere, Mass. several months ago. It appeared that [redacted], Boston hoodlum, had ordered the "hit". Patriarca again became enraged that [redacted] had the audacity to order a "hit" without Patriarca's knowledge.

B

Patriarca told Angiulo that he explained to FLEMMI that he was to tell [redacted] that no more killings were to take place unless he, Patriarca, cleared him.

Jerry explained that he also had a talk with FLEMMI. He pointed out that Patriarca has a high regard for FLEMMI but that he, Patriarca, thought that FLEMMI did not use sufficient common sense when it came to killing people.

Angiulo gave FLEMMI a lecture on killing people, pointing out that he should not kill people because he had an argument with him at any time. If an argument does ensue, he should leave and get word to Raymond Patriarca who, in turn, will either "OK" or deny the "hit" on this individual, depending on the circumstances.

M [redacted]

EXHIBIT 7

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F

[redacted] (Cont'd)

M [redacted]

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. B

[redacted] F/B

Boston's Airtel to Director and SACS Albany, Buffalo, Miami 3/12/65 captioned: [redacted]

B [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] B

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.

M [redacted]

Mr. RICO. Seven.

Mr. BURTON. Yes, sir. It's on the second page, the relevant part. I think it's right at the top, isn't it? "according"——

Mr. RICO. "according to"—this reads like it's a microphone, not an informant report.

Mr. BURTON. But it was sent by you to the FBI Director. And I guess while——

Mr. RICO. I don't see where, I don't see where I sent this. I can see what it says, but I don't see where I sent it.

Mr. BURTON. It's exhibit No. 7. It was from the head of the FBI office there in Boston.

Mr. RICO. Yeah, right.

Mr. BURTON. So that would not have been you at that time?

Mr. RICO. No, I have never been the head of the FBI office.

Mr. BURTON. Did you know that Mr. Deegan, was it not discussed in the FBI office that Mr. Deegan was going to be killed?

Mr. RICO. I believe it was discussed in a small group, probably the supervisor.

Mr. BURTON. So it was discussed?

Mr. RICO. Yes.

Mr. BURTON. I can't understand if it was discussed——

Mr. RICO. It probably was discussed as to who should notify the police or who should try to contact him.

Mr. BURTON. If you knew that there was going to be this hit on Mr. Deegan, would you not have discussed who the proposed assassins were going to be? You knew of Barboza and you knew of the others, Mr.——

Mr. RICO. Vincent Flemmi.

Mr. BURTON. Vincent Flemmi. You knew of them. Did you not know they were out planning the killing? If you knew and the FBI office up there knew enough to send this memo to the FBI Director, would you not have known who was going to be involved in this?

Mr. RICO. I'm not sure.

Mr. BURTON. Let me go to exhibit No. 10 real quickly and I'll yield to my colleagues. OK. Exhibit No. 10. It says,

> 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, Flemmi and Joe Barboza walked over to 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 that they were capable individuals and that is why they wanted to hit Deegan. Flemmi indicated that what they did was an awful sloppy job.

[Exhibit 10 follows:]

[redacted]

UNITED STATES GOVERNMENT

Memorandum

TO : SAC [redacted]

DATE: 3/15/65

FROM : SA H. PAULSRUD B, F

☒ CI ☐ SI

☐ PCI ☐ PSI

SUBJECT: [redacted]

Dates of Contact

3/13/65

Title and File #s on which contacted

EDWARD F. DEEGAN

[redacted] F, M B

Purpose and results of contact

☐ NEGATIVE

☐ POSITIVE

X

Informant advised that "JIMMY" FLEMMI contacted him and told him that the previous evening DEEGAN was lured to a finance company in Chelsea and that the door of the finance company had been left open by an employee of the company and that when they got to the door ROY FRENCH, who was setting DEEGAN up, shot DEEGAN, and JOSEPH ROMEO MARTIN and RONNIE CASESSA came out of the door and one of them fired into DEEGAN's body. While DEEGAN was approaching the doorway, he (FLEMMI) and JOE BARBOZA walked over towards a car driven by TONY "STATS" and they were going to kill "STATS" but "STATS" saw them coming and drove off before any shots were fired.

FLEMMI told informant that RONNIE CASESSA and ROMEO MARTIN wanted to prove to RAYMOND PATRIARCA they were capable individuals , and that is way they wanted to "hit" DEEGAN. FLEMMI indicated that they did an "awful sloppy job."

☐ Informant certified that he has furnished all information obtained by him since last contact.

Rating

Coverage 92's

F

Personal Data

[redacted] F, B

[redacted] (DEEGAN)

[redacted]

HPRspa'b

(5)

0000 2

[redacted] 2/6/24

FBI — F

Rippner

EXHIBIT 10

[redacted] F.B

This information has been disseminated by SA DONALD V. SHANNON to Capt. ROBERT RENFREW (NA) of the Chelsea, Mass. PD.

0000 3

Mr. RICO. All right.

Mr. BURTON. That was written by you?

Mr. RICO. Right, right.

Mr. BURTON. So you had firsthand knowledge about all of these individuals?

Mr. RICO. I did at that time, right. But I didn't know Barboza at that time. I'm talking about from the standpoint of——

Mr. BURTON. Did you have dealings with him after that?

Mr. RICO. Yes. Oh, yes.

Mr. BURTON. And you knew that he was involved in this murder?

Mr. RICO. Yes.

Mr. BURTON. And you used him as an informant?

Mr. RICO. No, I never had him as an informant.

Mr. BURTON. Who did?

Mr. RICO. I don't think anyone had him as an informant. We had him as a witness.

Would you like me to tell you how he became——

Mr. BURTON. Yes, while we're looking for exhibit No. 4, and then I'll yield to my colleagues. But go ahead.

[Exhibit 4 follows:]

U.S. Department of Justice

United States Attorney
District of Massachusetts

Main Reception: (617) 748-3100
United States Courthouse, Suite 9200
1 Courthouse Way
Boston, Massachusetts 02210

December 19, 2000

John Cavicchi, Esquire
Attorney at Law
25 Barnes Avenue
East Boston, MA 02128

RE: Disclosure of FBI Documents Relating to the
March 12, 1965 Murder of Edward "Teddy" Deegan

Dear Mr. Cavicchi:

This letter and its enclosures are being sent in response to your letter to me dated 11/16/2000, in which you asked that I provide "any information" that would assist you in responding to a Court Order in the matter of the Commonwealth of Massachusetts v. Peter Limone, Superior Court Crim. No. 32367, 69-70, which is pending before the Honorable Margaret R. Hinkle. As you explain, this Order requires you to file a Non-Live Witness Statement listing police reports, affidavits, transcripts and any other documents that you intend to rely upon in support of your motion for a new trial filed on behalf of your client, Peter Limone. I understand the matter being heard relates to your client's conviction for the 1965 murder of Edward "Teddy" Deegan and involves your motion for a new trial in that case.

In response to your request, FBI employees assigned to the Justice Task Force (JTF) initiated a review of Boston FBI informant, intelligence and investigative files that contain information that dates back to the 1950s and 1960s. JTF's search first determined that around the time Deegan was murdered, Vincent James Flemmi was an FBI informant. According to the file maintained in support of efforts to develop Flemmi as an informant, focus on Flemmi's potential as a source began on about 3/9/1965. The first reported contact with Flemmi was by FBI Boston Special Agent (SA) H. Paul Rico on 4/5/1965. The informant file was officially opened and assigned to SA Rico on 4/15/1965 and reflects that Flemmi was contacted a total of five times as an informant, each time by SA Rico. The dates of contact were 4/5/1965, 5/10/1965, 6/4/1965, 7/22/1965 and 7/27/1965. Flemmi's file was closed on 9/15/1965 after Flemmi was charged with a crime, unrelated to the Deegan murder.

Vincent James Flemmi's informant file was found to contain two documents that relate to the Deegan murder, one of which is a summary of information known by the Boston FBI about Flemmi's criminal activities at the time he was opened as an informant. This summary includes information previously reported to the FBI by other sources. The JTF attempted to review these other source files and any other intelligence files where their information may have been filed. Efforts have also been made to locate any investigative files that relate to the Deegan murder.

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

Mr. RICO. He was arrested and was held on $100,000 bail. And the organized crime people in New England told the bondsmen not to give him the bail money. So they told two of his associates if they can collect the money if they need a little money to finish it off, to come to a nightclub and they would make up the difference so that he could get bailed. When they showed up at the nightclub they waited until closing time, they counted out the money, it was $85,000 of money, money that they had collected. This is allegedly. And they killed Barboza's people that were collecting the money. The bodies were found over in south Boston and eventually—the Boston police went to the nightclub and found a mirror being repaired and they went behind the mirror and found where a shot had gone into the wall. They matched the bullet that had gone through the glass and into the wall and fallen down with the bullet in one of Barboza's associates. So that's why when we went to Barboza he was interested in trying to find a way to help us and probably hurt organized crime. That was his reason for becoming a witness.

Mr. BURTON. Because he wanted to hurt organized crime.

Mr. RICO. Well, he felt that that was his money, the $85,000 was his money. I thought he would be more concerned about the two people that were killed. But he was more concerned about the $85,000.

Mr. BURTON. It seems incredulous that anybody would think this guy was concerned about getting rid of organized crime when he was a major——

Mr. RICO. No, what he was concerned about——

Mr. BURTON. Was his money.

Mr. RICO. Is that he had been told that they were going to make up the difference, the bail money, that he was going to get bailed out.

Mr. BURTON. Let me make one more statement. Then I will yield to my colleague. The Justice Task Force search determined that around the time Deegan was murdered Vincent James Flemmi was an FBI informant. According to the file maintained in the FBI, efforts to develop Flemmi as an informant focus on Flemmi's potential as a source began about March 9, 1965. So you folks were working with him well before the murders?

Mr. RICO. I don't recall working with Vincent Flemmi at that time.

Mr. BURTON. Do you remember anybody talking about that, working with him before the murder? I mean how did they find out there was going to be a hit on Deegan and Flemmi did it and you guys had him as an informant if somebody in the FBI didn't know about it?

Mr. RICO. There's two brothers, Steven Flemmi and Vincent Flemmi.

Mr. BURTON. Yes, but Jimmy Flemmi was an informant before this?

Mr. RICO. Well, he wasn't my informant. He wasn't my informant. He might have been Dennis Condon's informant.

Mr. BURTON. But the point is you guys did talk; it wasn't that big of an operation that you didn't confide in each other?

Mr. RICO. No, that is true.

Mr. BURTON. But you didn't know Jimmy Flemmi was an informant?

Mr. RICO. Because that is a clerical matter whether a guy, you write him down as an informant or you don't write him down as an informant.

Mr. BURTON. Mr. Delahunt.

Mr. DELAHUNT. Thank you, Mr. Chairman. Mr. Rico, I am going to direct you to exhibit 6. It's entitled U.S. Government Memorandum and it's to SAC, and then there's a redaction and it's from Special Agent H. Paul Rico. The date is March 15, 1965.

[Exhibit 6 follows:]

FD-209 (Rev. 2-1-63)

UNITED STATES GOVERNMENT

Memorandum

TO : SAC [redacted]

DATE: 3/15/65

FROM : SA H. PAUL RICO B,F

☒ CI ☐ SI ☐ PCI ☐ PSI

SUBJECT: [redacted]

Dates of Contact
3/10/65

Titles and File #s on which contacted
EDWARD F. DEEGAN
[redacted] F,M B

Purpose and results of contact

☐ NEGATIVE
☒ POSITIVE

Informant advised that he had just heard from "JIMMY" FLEMMI that FLEMMI told the informant that RAYMOND PATRIARCA has put out the word that EDWARD "TEDDY" DEEGAN is to be "hit" and that a dry run has already been made and that a close associate of DEEGAN's has agreed to set him up.

FLEMMI told the informant that the informant, for the next few evenings, should have a provable alibi in case he is suspected of killing DEEGAN. FLEMMI indicated to the informant that PATRIARCA put the word out on DEEGAN because DEEGAN evidently pulled a gun and threatened some people in the Ebb Tide restaurant, Revere, Mass.

☒ Informant certified that he has furnished all information obtained by him since last contact.

Rating

Coverage
9 2's

Personal Data
[redacted] F,B
1- (DEEGAN)

F [redacted] 26623

HPRtpo'b
(5)

0000 1

EXHIBIT
6

Mr. RICO. Yeah, all right.

Mr. DELAHUNT. Do you see that, Mr. Rico?

Mr. RICO. Yes. And may I inquire a moment maybe of counsel and the Chair, but I can't understand why all of the material from the FBI has substantial redactions. I would again respectfully request the Chair and counsel to inquire of the FBI to determine whether this committee should receive, in my opinion, but could receive the original materials without redactions. It seems earlier in a question posed by Chairman Burton that there was some confusion on the part of Mr. Rico as to whether he was the author of an error, and this is very important obviously.

Mr. RICO. Right.

Mr. DELAHUNT. But I am just going to ask you just one question. I want you to read thoroughly the body of the report.

Mr. BURTON. Which exhibit?

Mr. DELAHUNT. This is for my colleagues exhibit 6. It is a so-called 209, and it is authored by the witness before us and it is to the Special Agent in Charge in Boston whose name was somehow redacted. For what reason I fail to comprehend. The date of the report is March 15, 1965. The date of the contact presumably with the informant is March 10, 1965, 2 days prior to the murder of Mr. Deegan. And I would ask Mr. Rico to read that, take a moment, reflect, because I'm just going to ask him several questions.

Mr. RICO. All right.

Mr. DELAHUNT. You have read it and you have had an opportunity to digest?

Mr. RICO. Yes.

Mr. DELAHUNT. The question I have for you is, and let me read the first sentence. "Informant advised that he had just heard from Jimmy Flemmi, that Flemmi told the informant that Raymond Patriarca had put the word out that Edward "Teddy" Deegan is going 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."

My question is who is that informant, Mr. Rico?

Mr. RICO. I can't tell.

Mr. DELAHUNT. You can't tell?

Mr. RICO. I mean, I don't know.

Mr. DELAHUNT. Well, you authored this report, is that correct?

Mr. RICO. Right, I did.

Mr. DELAHUNT. I would suggest that this is information that is significant. Would you agree with that?

Mr. RICO. Yes.

Mr. DELAHUNT. Is it reasonable to conclude that if you received this information, even albeit back in 1965, that this is something that would stick with you?

Mr. RICO. I would have known who it was in 1965, I'm sure, but I don't know who that is right now.

Mr. DELAHUNT. If I suggested Stevie Flemmi.

Mr. RICO. I don't think Stevie Flemmi would give me his brother as being——

Mr. DELAHUNT. You're sure of that, you're under——

Mr. RICO. I'm under oath and I am pretty confident that Steve would not give me his brother.

Mr. DELAHUNT. Mr. Chairman, could I request a recess of some 4 or 5 minutes.

Mr. BURTON. Yes, I think that all of the members of the committee and the guests here can discuss this real quickly. Can you come up here to the front? We will stand in recess for about 5 minutes.

[Recess.]

Mr. BURTON. Mr. Rico, we're now back in session and we want to make absolutely sure that you understand everything thoroughly. Do you understand that if you knowingly provide this committee with false testimony you may be violating Federal law, including 18 U.S.C. 1001, and do you also understand that you have a right to have a lawyer present here with you today?

Mr. RICO. Yes.

Mr. BURTON. You understand all that?

Mr. RICO. Yes, yes.

Mr. BURTON. And you prefer to go on answering questions with your testimony? You're subpoenaed here?

Mr. RICO. I have had advice of counsel and I'm not taking my counsel's advice. I am going to explain to you whatever you want to know.

Mr. BURTON. Let me make sure I understand. Your counsel has advised you what?

Mr. RICO. My counsel advised me to take the fifth amendment until you people agree to give me immunity. I have decided that I have been in law enforcement for all those years and I'm interested in answering any and all questions.

Mr. BURTON. Very well.

Mr. MEEHAN. Mr. Rico, have you consulted with your lawyer in terms of changing your mind and testifying? Have you consulted with your lawyer?

Mr. RICO. Since this hearing has begun?

Mr. MEEHAN. Since you decided to testify.

Mr. RICO. I am not going to get my lawyer to change his mind. His opinion was that I should not testify.

Mr. BURTON. And take the fifth?

Mr. RICO. And that I should take the fifth.

Mr. MEEHAN. But have you consulted with him?

Mr. RICO. No.

Mr. BURTON. But you consulted with him prior to that?

Mr. RICO. I used to have Jack Irwin.

Mr. BURTON. But you consulted him and he advised you to do that prior to you coming here today?

Mr. RICO. He advised me to take the fifth.

Mr. BURTON. And you have decided to testify?

Mr. RICO. Right.

Mr. BURTON. Very well.

Mr. RICO. And also I would like to say that in relation to the question that Mr. Delahunt had asked about whether Flemmi had provided information on that case, if Steven Flemmi had provided the information, I think that before Judge Wolf in Federal Court, Steven Flemmi had admitted that he was an informant, I took the stand and admitted he was an informant and we produced every FD 209 that I had during the period of time I was in contact with Steven Flemmi and I don't think this was in there. So that's one

of the bases for my answering you that I don't think Steven Flemmi would provide the information about Jimmy Flemmi.

Mr. DELAHUNT. But let me just revisit that.

Mr. RICO. All right.

Mr. BURTON. Go ahead.

Mr. DELAHUNT. Thank you, Mr. Chairman. You don't think but you're not certain?

Mr. RICO. Well, I don't have formal certitude, but I am pretty sure that this is not Steven Flemmi.

Mr. DELAHUNT. OK. If you look back on your career, I'm sure you developed a number of informants——

Mr. RICO. That's right.

Mr. DELAHUNT [continuing]. That would have information regarding activities of Mr. Deegan and others?

Mr. RICO. Right.

Mr. DELAHUNT. You have had some time, maybe 20 minutes, have you given any more thought to——

Mr. RICO. I don't know who that is. I really can't tell you right now. I don't know. I really don't know.

Mr. DELAHUNT. You really can't tell us?

Mr. RICO. No, I don't know.

Mr. DELAHUNT. Well, when you got the information, which would have been 2 days before the murder, and again I'm referring to that one page, Mr. Rico.

Mr. BURTON. This is exhibit No. 6.

Mr. DELAHUNT. This is exhibit No. 6.

Mr. BURTON. Excuse me, let me interrupt here, Mr. Delahunt. Exhibit No. 6, the date on the top is March 16 and the date of contact is March 10. It's down at the bottom. It says exhibit 6.

Mr. RICO. Right.

Mr. BURTON. Go ahead.

Mr. DELAHUNT. Obviously at that point in time you had information through this informant whose name you can't remember?

Mr. RICO. Right.

Mr. DELAHUNT. That Edward Deegan was going to be hit?

Mr. RICO. Right.

Mr. DELAHUNT. What did you do with that information at any time on the 10th.

Mr. RICO. I believe that the supervisor would have had the person handling Chelsea Police Department disseminate the information.

Mr. DELAHUNT. What did you do, Mr. Rico?

Mr. RICO. I would bring it to the attention of my supervisor and we would discuss how we could handle this without identifying the informant and provide the——

Mr. DELAHUNT. Let me go back a bit. You would discuss it. Did you discuss it with your supervisor?

Mr. RICO. I would think I did, yes.

Mr. DELAHUNT. Who was the supervisor?

Mr. RICO. I think it was Jack Kehoe.

Mr. DELAHUNT. Jack Kehoe. Is it the same Mr. Kehoe that after he left the FBI became the Commissioner of the Massachusetts State Police.

Mr. RICO. Yes, yes.

Mr. DELAHUNT. And what was his capacity in the FBI at that time as your supervisor?

Mr. RICO. That was his capacity. He was my supervisor.

Mr. DELAHUNT. Was he in charge of the Organized Crime Unit?

Mr. RICO. Yes.

Mr. DELAHUNT. What was the conversation you had with Supervisor Kehoe relative to this information?

Mr. RICO. It's a long time ago and I don't remember. I don't remember the conversation in any detail. I just know that this is the type of information that——

Mr. DELAHUNT. It was good information, wasn't it, Mr. Rico?

Mr. RICO. I think it was.

Mr. DELAHUNT. I think it was proven 2 days later that it was very good information?

Mr. RICO. Yeah, yeah. Unfortunately, right.

Mr. BURTON. Excuse me. If I could interrupt. The date of this memorandum is March 15, after Deegan was killed. But the date of the contact was March 10. So when you sent this memorandum it was after the fact, after Mr. Deegan had been killed. It seems to me that it would really ring a bell if you had the contact with your informant who in this memo was Jimmy Flemmi and then 2 days later he is killed and the memo is then sent on the 15th to your supervisor. It seems like that would all resonate, one, because you had an informant tell you someone is going to be killed. They're killed 2 days later and you're sending the memo 3 days after that and you can't remember?

Mr. RICO. Well, I don't know whether these dates are accurate or not. I don't know right now whether or not this is an actual correct reflection of what happened or not.

Mr. DELAHUNT. Mr. Rico, did you type up this memorandum?

Mr. RICO. No.

Mr. DELAHUNT. Did you dictate it?

Mr. RICO. I think I did.

Mr. DELAHUNT. Would that account for the date of March 15 that you dictated it or was that the day that whomever typed it would have memorialized it as we now see this copy?

Mr. RICO. I can't truthfully answer that. I have no way of knowing that.

Mr. DELAHUNT. You don't know?

Mr. RICO. No.

Mr. BURTON. Can we come back to you, Mr. Delahunt, and we'll go to Mr. Barr and come back to you in just a minute?

Mr. Barr.

Mr. BARR. Mr. Rico, the Department of Justice in January 1999 created a joint task force, a Justice Task Force. Are you aware of that?

Mr. RICO. Yes.

Mr. BARR. Have you spoken with them?

Mr. RICO. No.

Mr. BARR. Have they attempted to speak with you?

Mr. RICO. I'm not sure whether they have or not. I mean they may have contacted my attorney. I don't know.

Mr. BARR. Would he be obligated to tell you that?

Mr. RICO. My attorney? I would think so.

Mr. BARR. Has he?

Mr. RICO. I don't recall. I don't recall him specifically telling me that.

Mr. BARR. Have they sent any letters?

Mr. RICO. No, not that I'm aware of.

Mr. BARR. This fellow Barboza, did you ever meet him?

Mr. RICO. Yes, I did.

Mr. BARR. Did either you or Mr. Condon receive awards or letters of commendation for your work with him?

Mr. RICO. I don't know, I don't know.

Mr. BARR. You don't know?

Mr. RICO. No. It's possible, it's possible. I don't know.

Mr. BURTON. Would the gentleman yield real quickly? Did you ever receive any gifts or money or anything from Mr. Barboza, Mr. Flemmi or any of those people?

Mr. RICO. No, no.

Mr. BURTON. I thank the gentleman.

Mr. BARR. Did Mr. Condon receive an award or any commendation or his work on the Deegan case?

Mr. RICO. I don't know.

Mr. BARR. The communications that we have seen here for; example, exhibit 15, I think 7 and 8, but these are what are called Airtels between the FBI field offices and headquarters here in Washington, DC, and some of these, such as 15, indicate that Mr. Hoover himself was aware of this murder before it happened and who the suspects and likely perpetrators were after the fact. Were you also aware of this murder before it happened and who the apparent perpetrators were almost immediately following the murder?

[Exhibits 15, 7 and 8 follow:]

3/19/65

AIRTEL

TO : DIRECTOR, FBI [redacted] F

FROM: SAC, BOSTON [redacted] P

CRIMINAL INTELLIGENCE PROGRAM
BOSTON DIVISION

The following are the developments during the current week:

On 3/12/65, EDWARD "TEDDY" DEEGAN was found killed in an alleyway in Chelsea, Mass. in gangland fashion.

Informants report that RONALD CASESSA, ROMEO MARTIN, VINCENT JAMES FLEMMI, and JOSEPH BARBOZA, prominent local hoodlums, were responsible for the killing. They accomplished this by having ROY FRENCH, another Boston hoodlum, set DEEGAN up in a proposed "breaking & entering" in Chelsea, Mass. FRENCH apparently walked in behind DEEGAN when they were gaining entrance to the building and fired the first shot hitting DEEGAN in the back of the head. CASESSA and MARTIN immediately thereafter shot DEEGAN from the front.

ANTHONY STATHOPOULOS was also in on the burglary but had remained outside in the car.

3-Bureau
1-Boston

JFK:pos'b
(4)

SEARCHED ____
SERIALIZED 0
INDEXED ____
FILED 0

F [redacted] 1820

0000 4

EXHIBIT
15

[redacted] F

When FLEMMI and BARBOZA walked over to STATHOPOULOS's car, STATHOPOULOS thought it was the law and took off. FLEMMI and BARBOZA were going to kill STATHOPOULOS also. "OK."

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 necessary information to prosecute the persons responsible.

It should be noted that this information was furnished to the Chelsea PD and it has been established by the Chelsea Police that ROY FRENCH, BARBOZA, FLEMMI, CASESSA, and MARTIN were all together at the Ebb Tide night club in Revere, Mass. and they all left at approximately 9 o'clock and returned 45 minutes later.

It should be noted that the killing took place at approximately 9:30 p.m., Friday, 3/12/65.

[redacted]

[redacted] B

Informant also advised that [redacted] had given the "OK" to JOE BARBOZA and "JIMMY" FLEMMI to kill [redacted] who was killed approximately one month ago.

Page 3 of serial 1870 is being deleted in its entirety for codes: F, B.

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F [redacted]-2597pg.2

Boston Airtel to Director, 3/10/65 entitled: [redacted]

B, M

F [redacted] advised on 3/3/65 that [redacted] contacted Patriarca and stated he had brought down VINCENT FLEMMI and another individual (who was later identified as Joe Barboza from East Boston, Mass.) It appeared that [redacted], Boston hoodlum, was giving orders to FLEMMI to "hit this guy and that guy".

B

Raymond Patriarca appeared infuriated at [redacted] giving such orders without his clearance and made arrangements to meet FLEMMI and Barboza in a garage shortly thereafter. He pointed out that he did not want FLEMMI or Barboza contacting him at his place of business.

F [redacted]-2597pg.5

Angiulo told Patriarca that VINCENT FLEMMI was with Joe Barboza when he, Barboza, killed [redacted] in Revere, Mass. several months ago. It appeared that [redacted], Boston hoodlum, had ordered the "hit". Patriarca again became enraged that [redacted] had the audacity to order a "hit" without Patriarca's knowledge.

B

Patriarca told Angiulo that he explained to FLEMMI that he was to tell [redacted] that no more killings were to take place unless he, Patriarca, cleared him.

Jerry explained that he also had a talk with FLEMMI. He pointed out that Patriarca has a high regard for FLEMMI but that he, Patriarca, thought that FLEMMI did not use sufficient common sense when it came to killing people.

Angiulo gave FLEMMI a lecture on killing people, pointing out that he should not kill people because he had an argument with him at any time. If an argument does ensue, he should leave and get word to Raymond Patriarca who, in turn, will either "OK" or deny the "hit" on this individual, depending on the circumstances.

M [redacted]

EXHIBIT 7

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F

[redacted] (Cont'd)

M [redacted]

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. B

[redacted]

F/B

Boston's Airtel to Director and SACS Albany, Buffalo, Miami 3/12/65 captioned: [redacted]

B [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] B

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.

M [redacted]

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F

[redacted] (Cont'd)

M [redacted]

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.

B

[redacted]

F/B

Boston's Airtel to Director and SACS Albany, Buffalo, Miami 3/12/65 captioned: [redacted]

B

[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]

B

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.

M [redacted]

000015

EXHIBIT 8

Mr. RICO. You say it's exhibit 15?

Mr. BARR. That's one of them.

Mr. RICO. Yeah.

Mr. BARR. No. 7 and No. 8 also.

Mr. BARR. They're the same ones we have looked at earlier today. Let me just ask you the question.

Mr. RICO. All right.

Mr. BARR. You were aware of the fact that Mr. Deegan was going to be murdered, correct?

Mr. RICO. Yes.

Mr. BARR. Did you take any steps to prevent that murder from occurring?

Mr. RICO. I believe the office did something to try to do something, whether they had called the local police or whether they tried to make an anonymous phone call to him, I don't know.

Mr. BARR. Is there any record of that?

Mr. RICO. I don't know, I don't know. But that's normal procedure, although we've had procedures where we've gone out and actually told people that they're going to get hit. I have done that.

Mr. BARR. But that didn't happen in this case?

Mr. RICO. Not in this case, no.

Mr. BARR. Some of these documents also indicate very clearly that FBI headquarters was aware of who the perpetrators of the murders were. Were you aware of that?

Mr. RICO. Aware that headquarters was aware or was I aware who the perpetrators were?

Mr. BARR. That headquarters was aware of that.

Mr. RICO. If I sent them the information, I suppose they would be aware of that, yes.

Mr. BURTON. Could I followup on that, please? Were you aware who the murderers were; who were the people who participated in the hit?

Mr. RICO. After it happened?

Mr. BURTON. Yes.

Mr. RICO. Well, I know that we had versions from informants and then we had the Joe Barboza version.

Mr. BURTON. Well, here before us on this March 19, exhibit 15 that we're talking about—can you help him find exhibit 15, please—it states very clearly to FBI Director Hoover, it states very clearly that the people who were involved in the killing are named. And what I can't understand is if this was known by the FBI office, you and the other people there, then why was Mr. Salvati tried and convicted and went to jail for 30 years and was convicted and supposed to be electrocuted? Why didn't somebody at the FBI say in every report that we had there was evidence that Mr. Salvati had nothing to do with this? I mean you had all these FBI agents, obviously they knew all this information. They went to J. Edgar Hoover at the Bureau's head office and yet this innocent man and some other people innocent of this crime went to jail for life and some of them died in prison.

Mr. RICO. Well, informant information is difficult to handle and it depends on a lot of different circumstances as to how to handle it. It's very easy if you just take whatever comes in and you immediately disseminate it.

Mr. BURTON. Let me just interrupt to say that Mr. Barboza was a known killer.

Mr. RICO. Oh, yes, right, he was.

Mr. BURTON. He was the only person who testified at the trial that put these people in jail for life and they were going to get the death penalty. The FBI had information, you had information that other people were involved in the killing and yet that never came out in the trial.

Mr. RICO. That was disseminated to the Chelsea Police Department.

Mr. BURTON. Wasn't there an FBI agent that testified there? Mr. Condon.

Mr. RICO. I didn't testify in the case and witnesses were sequestered. I never saw Mr. Salvati before today.

Mr. BURTON. You didn't know Mr. Salvati was innocent of that crime because of the information that you had in your office?

Mr. RICO. We come up with a witness that's going to provide information to local law enforcement. We turn the witness over to local law enforcement and let them handle the case. We don't have any jurisdiction.

Mr. BURTON. Was this memo turned over to the local police along with the informant, Mr. Barboza?

Mr. RICO. I can't tell you that the information was furnished to——

Mr. BURTON. This is exculpatory information. This could have kept Mr. Salvati out of jail. I think this alone would have created doubt in the mind of the jury that he would have gone to jail for 30 years.

Mr. RICO. Do you think we can send people away on informant information alone?

Mr. BURTON. You certainly sent him away on Barboza and he was a hitman?

Mr. RICO. That's not an informant. That's a witness.

Mr. BURTON. He's also a killer who didn't have much credibility.

Mr. RICO. I'm not one of his biggest boosters.

Mr. BURTON. I'm sorry. I took your time. Did you have more questions, Mr. Barr?

Mr. BARR. No.

Mr. BURTON. Let me go to Mr. Shays. Do you have questions? I was talking about the gentlelady.

Mrs. MORELLA. I do, but I will defer to Mr. Shays.

Mr. SHAYS. This is just the first round. And Mr. Rico, I have been watching you for the whole day. I have known about you for 20 years. You are a person who basically worked for the FBI and then worked, in my judgment, for organized crime when you worked for World Jai Alai. That is my view of you. My view of you is that you sent an innocent man to jail.

Mr. RICO. Your what?

Mr. SHAYS. My view is that you sent an innocent man to jail and you knew it. I'm just telling you what I believe. You can tell me anything you believe that you want to. I'll tell you what I believe. You have been a person on my radar screen for years. I never thought you would come before this committee. Now you have been here all day long. You have heard what the Chelsea police knew.

You heard what the Boston police knew, you heard what the State police knew. You heard what the FBI, and I'm assuming it was you, but frankly I don't even care, told Hoover, and I want to know how you think you fit into all of that.

Mr. RICO. I think we supplied the information that we had available to the local police department and I think that should be our way of disseminating the information.

Mr. SHAYS. Let me ask you this. What does it feel like to be 76 years old, to have served in the FBI and know that you were instrumental in sending an innocent man to jail and you knew it. What is it like? What do you feel? Tell me how do you feel. I asked what it was like for Mr. Salvati to be in jail. I asked what it was like for his wife to know her husband was in jail. I want to know what it's like for you.

Mr. RICO. I have faith in the jury system and I feel that the jury should be able to decide the innocence.

Mr. SHAYS. This is what's fascinating.

Mr. RICO. Why? You think you can make a decision as to who's innocent?

Mr. SHAYS. What's fascinating to me is that if I were you I would get down on bended knee in front of this family and ask for eternal pardon because even if you somehow didn't know about the report of the local police, of the Boston police, of the State police, of some documents in the FBI that are extraordinary since they come from your office, even if you didn't know that then, you know it now, and you don't seem to give a shit. Excuse me. You don't seem to care.

Mr. RICO. Is that on the record?

Mr. SHAYS. You know what? I'm happy to have what I said on the record. I just hope everything you say is on the record.

Mr. RICO. Sure, sure.

Mr. SHAYS. Because the one thing is you don't seem to care. I have been looking at you. You have no remorse about your involvement even if you think you weren't guilty. Where is your remorse?

Mr. RICO. I have been in position where I have taken people out of jail and to me——

Mr. SHAYS. You don't care. Tell me how you feel about Mr. Salvati and his wife. I would like to know.

Mr. RICO. How do I feel about what?

Mr. SHAYS. You hold on a second. Let me explain why I'm asking. You can shake your head. You can just wait. I wanted to know how a retired FBI agent feels about the facts that you learned today. Let's assume you didn't know anything about it.

Mr. RICO. I didn't.

Mr. SHAYS. OK.

Mr. RICO. I never——

Mr. SHAYS. I'll make that assumption for this moment in my question. I learned about it in the past few weeks. I know what it does to me. Why doesn't it affect you the same way? Why wouldn't you feel incredible remorse that you had a role to play, and you're saying it's ignorance but you had a role to play in the fact that an innocent man spent 30 years of his life in jail. Why no remorse?

Mr. RICO. I feel that we have a justice system and however it plays out it plays out. I don't think we convict everybody that is guilty and I don't think we let everyone go that is innocent.

Mr. SHAYS. You don't care. Does it bother you that this man was in jail for 30 years?

Mr. RICO. It would probably be a nice movie or something.

Mr. SHAYS. So you don't really care about this guy. I'm getting to learn a lot about you right now. You don't really care that he was in jail for 30 years. Do you care about his wife, that she visited him for 30 years?

Mr. RICO. I do not know everything that Joseph Salvati has done in his lifetime. I do not know that he is completely innocent of everything. I don't know.

Mr. SHAYS. What I didn't understand was that I thought that if you were a law enforcement officer and you had that training and you carried the badge of an FBI agent, I thought that you would care about the fact that you could be guilty of something he feels but if you weren't guilty of that crime then you're not guilty of that crime. And you're seeming to imply that somehow maybe there's something else in his past which is typical of what we heard about this case.

But I'm going to get right back. I'm not going to give up quite yet. I just still want to understand. Do you have any remorse that Mr. Salvati spent 30 years of his life in jail?

I can't hear your answer.

Mr. RICO. There isn't an answer.

Mr. SHAYS. You have no remorse. Do you have any remorse that his wife spent 30 years visiting him in prison even though he was innocent of the crime? I want a word. I want something we can put down on the transcript. I don't want "nods" or something. I want a word from you. Do you have any remorse that his wife had to visit him for 30 years in jail even though he was an innocent man and even though he was framed by someone who testified who was trained by the FBI, was the FBI's witness?

Mr. RICO. Joe Barboza was not trained by the FBI.

Mr. SHAYS. I'll retract that. I'll get to that in a second. Do you have any remorse about Marie?

Mr. RICO. Well, I feel sorry that anything like that ever happened to anybody.

Mr. SHAYS. So you don't feel sorry for the husband?

Mr. RICO. I feel sorry for anybody that went away——

Mr. SHAYS. Do you have any remorse?

Mr. RICO. Remorse for what?

Mr. SHAYS. For the fact that you played a role in this.

Mr. RICO. I believe the role I played was the role I should have played. I believe that we supplied a witness and we gave them to the local police and they're supposed to be able to handle the case from there on. That's it. I cannot——

Mr. SHAYS. So you don't really care much and you don't really have any remorse. Is that true?

Mr. RICO. Would you like tears or something?

Mr. SHAYS. Pardon me?

Mr. RICO. What do you want, tears?

Mr. SHAYS. No, I want to understand a little more about an FBI agent who served his country. I just want to know how you feel. It will teach me something about the FBI. You're going to be a rep-

resentative of the FBI. And so there's really no remorse and no tears; is that correct?

Mr. RICO. I believe the FBI handled it properly.

Mr. SHAYS. Why don't you tell me why you think they handled it properly?

Mr. RICO. Because they take whatever information they have that is pertinent and they furnish it to the local law enforcement agency that has the jurisdiction and let them handle it.

Mr. SHAYS. You just made a claim that I just don't believe is true. How did you disclose this to all the public—how do we know and tell me how you disclosed this to the courts and the public officials?

Mr. RICO. Not me, not me personally.

Mr. SHAYS. Let me ask you this. The witness on behalf of the FBI against this individual, you and your partner Mr. Condon, you were both partly responsible for having this witness, isn't that true?

Mr. RICO. For what?

Mr. SHAYS. Pardon me?

Mr. RICO. I'm responsible for what?

Mr. SHAYS. Aren't you responsible for the witness that testified against Mr.——

Mr. RICO. We supplied a witness, right.

Mr. SHAYS. You supplied a witness.

Mr. RICO. We supplied a witness.

Mr. SHAYS. And that witness didn't tell the truth, did he?

Mr. RICO. Well, it's easy to say now but it wasn't that easy then.

Mr. SHAYS. But the witness didn't say the truth, right, the witness you supplied did not tell the truth; isn't that correct? That's not a hard question to answer.

Mr. RICO. No, but it's easy to say that now. It's not that easy to say that when it was happening.

Mr. SHAYS. But you haven't answered the question. Answer the question first.

Mr. RICO. What question?

Mr. SHAYS. The question was simply that you have supplied a witness who did not tell the truth? Isn't that true.

Mr. RICO. We supplied the witness. And now that everything is said and done it appears that he didn't tell the whole truth.

Mr. BURTON. Mr. Shays, can we come back to you?

Mr. SHAYS. You sure can. I'm waiting.

Mr. BURTON. Mr. Clay, before I yield to you could I ask a question or two?

Mr. CLAY. Yes.

Mr. BURTON. The two attorneys we had up here, Mr. Bailey and Mr. Balliro, they testified that the FBI had taped a great many phone conversations by reputed members of organized crime in the Boston and north Boston area. Is that true?

Mr. RICO. I would imagine it would be true. If anyone knows about organized crime, it would be Joe Balliro.

Mr. BURTON. I am asking you, did the FBI tape any phone calls of organized crime figures up in the northern Boston area?

Mr. RICO. I was not in the Boston area at that time.

Mr. BURTON. You were not?

Mr. RICO. No. I was in Boston in 1970. I left in 1975.

Mr. BURTON. Well, I'm talking about back when——

Mr. RICO. You're talking about 1980, when they were involved in——

Mr. BURTON. I'm talking about back during the time that these crimes took place, when Mr. Deegan was killed, when Mr. Barboza was killing these people, when Mr. Flemmi was killing people. Were there any wiretaps that the FBI was conducting? Do you know of any wiretaps that were conducted?

Mr. RICO. You're talking about legal wiretaps?

Mr. BURTON. Legal wiretaps. You don't know?

Mr. RICO. You're asking the wrong agent.

Mr. BURTON. Do you know if there were any wiretaps by the agency out of that office? Do you know of any wiretaps out of that office by the FBI.

Mr. RICO. During which period of time? When I was there?

Mr. BURTON. No, during the time when Flemmi and Barboza were there and Deegan was killed, do you ever remember any wiretaps?

Mr. RICO. I don't know whether we had a wiretap at that time. I don't know. I have no idea. I wasn't involved in the wiretapping.

Mr. BURTON. You don't know if there were any wiretaps out of that office for organized crime up in that area? J. Edgar Hoover, nobody ever authorized wiretaps in that area? We'll find out if anybody authorized wiretaps.

Mr. RICO. I'm not trying to tell you if there wasn't any. I just don't know myself personally the timing of wiretaps.

Mr. BURTON. But you don't know if there were any wiretaps out of that office? Do you know if there were any? You don't have to be involved. Do you know if there were any?

Mr. RICO. I can't remember the timing. This is 35 years ago. I can't remember whether they had the wiretaps in 1963 or 1964 or when.

Mr. BURTON. This isn't the Stone Age we're talking about. They did have wiretaps back then.

And you don't recall the FBI ever using a wiretap to try to nab organize crime figures?

Mr. RICO. The FBI used some wiretaps for intelligence information during the period of time that I was in the Boston office.

Mr. BURTON. OK. Was it being done on any individuals out of the Boston office?

Mr. RICO. I would think that it's the timing. I cannot understand the timing. I cannot comprehend——

Mr. BURTON. Well——

Mr. RICO [continuing]. The timing of why it——

Mr. BURTON. Well, I think you do comprehend.

Mr. RICO. Well.

Mr. BURTON. And it was pretty well known, according to legal counsel we had and others, that wiretaps were taking place, because they were trying to nab organized crime figures, and Barboza and Flemmi were two of the biggest contract killers in that place, and yet you guys had him as a witness to put innocent people in jail, and you're saying you didn't know anything about it. You thought that Barboza was a legitimate witness at that time.

Mr. RICO. I'm not a big supporter of Joe Barboza, and I've never been a big supporter of Joe Barboza, but he was the instrument that we had. He was a stone killer, and he was put in a position where he decided he wanted to testify. So we let him testify.

Mr. BURTON. Mr. Clay.

Mr. CLAY. Thank you, Mr. Chairman. Mr. Rico, what an incredulous story. This is truly amazing just sitting here listening to some of the details and facts. Just to followup on Mr. Shays' questioning, first, did you know beforehand that Teddy Deegan had been targeted to be killed?

Mr. RICO. Evidently, I did.

Mr. CLAY. Evidently?

Mr. RICO. From the informant.

Mr. CLAY. You did know. And did you know also that Mr. Salvati was not involved in the murder itself?

Mr. RICO. I had never heard of Salvati being involved in this case, and so——

Mr. CLAY. That he——

Mr. RICO. Until he was indicted, right. I never heard of him.

Mr. CLAY. You had never heard of him?

Mr. RICO. I had never——

Mr. CLAY. But you also knew that he did not play a role in the murder; correct?

Mr. RICO. I can't say that.

Mr. CLAY. You cannot say that. Is this standard operating procedure for the FBI to withhold evidence from a court of law, to know that someone is going to trial and is going to face criminal incarceration and to withhold that evidence? Is that standard operating procedure?

Mr. RICO. Standard operating procedure is to take whatever information you have and supply it to the local police that have the authority in whatever manner is coming up.

Mr. CLAY. But think about the circumstances of Mr. Salvati going to trial, facing, I assume, murder charges and being convicted, and all the while, the local FBI office, you in particular, knowing that this man did not commit that crime. I mean, did that ever cross your mind that maybe we should intercede to ensure that justice prevails?

Mr. RICO. There is a time when you're involved in a case and you know what's happening, but there are many cases, many things happening, and I would say that thinking of Salvati on a day-to-day basis probably did not happen.

Mr. CLAY. Well, I'm going to stop there, Mr. Chairman, and if I can, can I yield the remainder of my time to Mr. Delahunt? Is that permissible?

Mr. BARR [presiding]. The gentleman from Massachusetts.

Mr. DELAHUNT. We thank you, Mr. Chairman. Let's talk about bugs for a minute, Mr. Rico.

Mr. RICO. Sure.

Mr. DELAHUNT. And let's use a timeframe of 1960 to 1970.

Mr. RICO. OK. That's when I was there.

Mr. DELAHUNT. Right. Are you familiar with a bug that was placed in the office of Raymond Patriarca, Jr.?

Mr. RICO. Absolutely not. I was familiar with a bug placed in Raymond Ellis Patriarca, Sr.

Mr. DELAHUNT. Senior. I thank you for correcting me.

Mr. RICO. Right.

Mr. DELAHUNT. Did you have anything to do with placing that bug there?

Mr. RICO. No.

Mr. DELAHUNT. No. Do you know who did?

Mr. RICO. No.

Mr. DELAHUNT. You don't know. But you knew that there was a bug?

Mr. RICO. Oh, yes. Oh, yes. I knew that.

Mr. DELAHUNT. Was that particular bug authorized by a court order?

Mr. RICO. I can't tell you that. I don't know. I don't know whether it was a court order or not. I can tell you when it was removed.

Mr. DELAHUNT. When was it removed?

Mr. RICO. Oh, God. A new attorney general came in, and they removed them all across the country. I don't remember who it was right now.

Mr. DELAHUNT. So a new attorney general could very well have made the decision that it was a black-bag job, it was an illegal wiretap?

Mr. RICO. I think that the new attorney general wanted nothing to do with these bugs.

Mr. DELAHUNT. These bugs. I'd request counsel to—if he could, to supply us with what available documents the FBI has regarding the Raymond Patriarca, Sr. bug and who was responsible for planting this bug within that office.

You know, in terms of the—you're right, and I think there's some misunderstanding relative to terms that we're using here today. Barboza was not an informant——

Mr. RICO. No.

Mr. DELAHUNT [continuing]. For you?

Mr. RICO. No.

Mr. DELAHUNT. But Barboza was—I think your words were, you supplied the witness, and the witness was Joseph Barboza.

Mr. RICO. Right.

Mr. DELAHUNT. Now——

Mr. BARR. Excuse me. The time of the gentleman from Massachusetts has expired. We'll come back to Mr. Delahunt in just a few minutes. The chair recognizes the gentlelady from Maryland for 5 minutes.

Mrs. MORELLA. Thank you, Mr. Chairman.

Mr. Rico, I've been looking at some of the evidence that has been put together in some of the booklets that we have, and I was noting that on exhibit 10, there is a memorandum from you, which describes the Deegan murder and identifies the killers. Were you satisfied that the informant provided accurate information to you? I'll give you a chance to look at that, sir. 65.

Mr. Chairman, don't count that on my time.

[Exhibit 10 follows:]

[redacted]

UNITED STATES GOVERNMENT

Memorandum

TO : SAC [redacted]

DATE: 3/15/65

FROM : SA H. PAULSRUD B, F

☒ CI ☐ SI

☐ PCI ☐ PSI

SUBJECT: [redacted]

Dates of Contact

3/13/65

Title and File #s on which contacted

EDWARD F. DEEGAN

[redacted] F, M B

Purpose and results of contact

☐ NEGATIVE

☐ POSITIVE

X

Informant advised that "JIMMY" FLEMMI contacted him and told him that the previous evening DEEGAN was lured to a finance company in Chelsea and that the door of the finance company had been left open by an employee of the company and that when they got to the door ROY FRENCH, who was setting DEEGAN up, shot DEEGAN, and JOSEPH ROMEO MARTIN and RONNIE CASESSA came out of the door and one of them fired into DEEGAN's body. While DEEGAN was approaching the doorway, he (FLEMMI) and JOE BARBOZA walked over towards a car driven by TONY "STATS" and they were going to kill "STATS" but "STATS" saw them coming and drove off before any shots were fired.

FLEMMI told informant that RONNIE CASESSA and ROMEO MARTIN wanted to prove to RAYMOND PATRIARCA they were capable individuals , and that is way they wanted to "hit" DEEGAN. FLEMMI indicated that they did an "awful sloppy job."

☐ Informant certified that he has furnished all information obtained by him since last contact.

Rating

Coverage 92's

F

Personal Data

[redacted] F, B

[redacted] (DEEGAN)

[redacted]

HPRspa'b

(5)

0000 2

[redacted] 2624

FBI — F

Rippner

EXHIBIT 10

[redacted] F.B

This information has been disseminated by SA DONALD V. SHANNON to Capt. ROBERT RENFREW (NA) of the Chelsea, Mass. PD.

0000 3

Mr. RICO. Yes. Yes. I consider that accurate.

Mrs. MORELLA. You do.

Mr. RICO. Right.

Mrs. MORELLA. You do not? You do consider that accurate?

Mr. RICO. I consider—it seems to be accurate information. Right.

Mrs. MORELLA. Do you believe that the informant correctly identified Deegan's killers?

Mr. RICO. The problem with being absolutely certain on the informant information is that the informant may be telling you exactly what he learned. You see, the informant advised that Jimmy Flemmi contacted him and told him, when you get into Jimmy Flemmi telling something to an informant, you're now a step away from having the certitude that you would have if the informant learned this from somebody else. Jimmy Flemmi, I would say, would not be that reliable an individual and has a propensity to put himself involved in crimes.

Mrs. MORELLA. But because of the information that you had received since October 1964 regarding Vincent Flemmi wanting to kill Deegan, was there any doubt in your mind that Flemmi was involved in Deegan's death?

Mr. RICO. I'm sorry. I don't understand.

Mrs. MORELLA. I just wondered was there any doubt in your mind that Flemmi was involved in Deegan's death because of the information you received after October 1964? I mean, did you have any doubt——

Mr. RICO. It seemed logical to be involved, yeah.

Mrs. MORELLA. OK. Right. So you really didn't have any doubts that Flemmi was involved.

Mr. RICO. Well, I always had some doubts when Flemmi was involved in anything.

Mrs. MORELLA. Remote. Few doubts. Did you have information at this time that Joe Salvati was involved in Deegan's murder?

Mr. RICO. I never received any information that Salvati was involved in the Deegan murder.

Mrs. MORELLA. Did you or anyone else in the FBI office question any of the individuals that were identified as participants in Deegan's murder?

Mr. RICO. I'm sorry. I'm not getting it.

Mrs. MORELLA. Now, did you or anyone else in the FBI office question any of the individuals that were identified as participants in Deegan's murder?

Mr. RICO. Let me see.

Mrs. MORELLA. Did you question any of the individuals that were identified as participants?

Mr. RICO. Only Joe Barboza.

Mrs. MORELLA. Page 2 of the memorandum you wrote, you wrote that this information was passed to Captain Robert Renfrew of the Chelsea Police Department.

Mr. RICO. Right.

Mrs. MORELLA. Did you did pass this information to Captain Renfrew?

Mr. RICO. No, Don Shannon did that.

Mrs. MORELLA. So he did that. Was Captain Renfrew given any additional information that was not included in this exhibit 10?

Mr. RICO. Was he given any additional information?

Mrs. MORELLA. Right, additional information that was not included.

Mr. RICO. I don't know. I don't know whether he was or not, because if Shannon gave it to him, he might have given him other information——

Mrs. MORELLA. The FBI office in Boston has recently claimed that your statement proves that the FBI shared this information with local law enforcement. Do you agree with this statement?

Mr. RICO. Yes. I think that pretty well covers it.

Mrs. MORELLA. Exhibit 11 is a Chelsea police report about the Deegan murder. On Page 3, the report identifies seven men who left the Ebb Tide Restaurant around 9 p.m. on the night of the murder and returned around 11 p.m. One of those identified, Romeo Martin, allegedly said to Roy French, "we nailed him." The report said, this information came from Captain Renfrew, who was also supposed to have received the information from the FBI. Have you seen that report before?

Mr. RICO. I haven't seen the report before, and I wouldn't know if he is still in the Chelsea Police Department or not.

Mrs. MORELLA. So did you mention anything about the Ebb Tide to Captain Renfrew?

Mr. RICO. I'm aware of the Ebb Tide. We used to—it was there when I was around, but I don't—can't tell you about Renfrew and the Ebb Tide.

Mrs. MORELLA. Did you talk to Captain Renfrew that Francis Imbuglia, Nicky Femia or Freddy were with the others the night of the murder?

Mr. RICO. I have seen Captain Renfrew on a number of occasions, but I don't recall having any discussion about this case with him.

Mrs. MORELLA. I wanted to kind of set up that list of questions, and I'll get back to you, Mr. Rico, but I do want to say from having been here at the beginning, that I wish we could give back 30 years of life to a happily married couple, and my heart goes out to them——

Mr. RICO. Sure.

Mrs. MORELLA [continuing]. For—they represent the old school virtues that I think I grew up with, too: that you make the best with what you've got and always remember family. Thank you. I yield back.

Mr. BARR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. DELAHUNT. Thank you, Mr. Chairman. I asked you earlier about the fact that you stated that Barboza was not your informant?

Mr. RICO. Right.

Mr. DELAHUNT. But that you did cultivate him as a witness?

Mr. RICO. Actually, that's true. We——

Mr. DELAHUNT. That's fine——

Mr. RICO. Comes from a period of time where he wants to be an informant. We don't want him as an informant. We want him as a witness.

Mr. DELAHUNT. Right. I understand that, and you were successful in convincing him to be a witness?

Mr. RICO. Right.

Mr. DELAHUNT. What induced him to become a witness?

Mr. RICO. The fact that they banged out two of his partners and stole $85,000. They had collected for his bail. He stopped by the Night Light for them to make up the difference, and they counted it out and killed them.

Mr. DELAHUNT. And that was the exclusive motive for his cooperation with law enforcement?

Mr. RICO. Well, I thought he was going to be angry because they killed his two friends, but——

Mr. DELAHUNT. But it was the money?

Mr. RICO. But he was angry, because it was his money——

Mr. DELAHUNT. It had nothing to do with the fact that he seemed to escape prosecution for a variety of crimes?

Mr. RICO. Well, he wasn't really being held on a very serious crime, because it was—the bail was $100,000, but I don't think——

Mr. DELAHUNT. Did he do——

Mr. RICO. I don't remember what the crime was.

Mr. DELAHUNT. But given his record, in fact, he—let me suggest this.

Mr. RICO. Yeah.

Mr. DELAHUNT. That at one point in time, the Suffolk County district attorney's office brought—before filed a charge, charging him with being a habitual offender.

Mr. RICO. Could have been, yeah.

Mr. DELAHUNT. Now, you know and I know, Mr. Rico, that that carries with it a substantial penalty.

Mr. RICO. Sure.

Mr. DELAHUNT. Did you ever have any conversations with Joe Barboza, relative to recommending that he not be prosecuted, or at least he serve no time for crimes that he had been charged with?

Mr. RICO. On that matter, Gary Byrne, as you know, is the district attorney of Suffolk County at that time.

Mr. DELAHUNT. Uh-huh.

Mr. RICO. Told me that I could tell him that whatever cooperation he gives will be brought to the attention of the proper authorities.

Mr. DELAHUNT. Right.

Mr. RICO. He says you can't tell him anything more or anything less. That's exactly what you can tell him, and that's what I told him.

Mr. DELAHUNT. And that's what you told him?

Mr. RICO. Yes.

Mr. DELAHUNT. Was Dennis Condon with you?

Mr. RICO. I am sure he was.

Mr. DELAHUNT. Because the practices of the FBI is such that there are always two agents working together.

Mr. RICO. Hopefully right.

Mr. DELAHUNT. In terms of interviewing witnesses.

Mr. RICO. Right.

Mr. DELAHUNT. Well, you did supply the witness to the appropriate authorities?

Mr. RICO. I didn't——

Mr. DELAHUNT. The Commonwealth of Massachusetts, Suffolk County district attorney's office?

Mr. RICO. Right. Right.

Mr. DELAHUNT. Did you supply the report that you and I discussed earlier that you filed as a result of a contact on March 10th? Did you provide that report to the appropriate authorities?

Mr. RICO. I think we did. I think we notified Chelsea. I think that was the appropriate authority at that time.

Mr. DELAHUNT. Well, let me go back to a question that I posed to Mr. Balliro earlier. While the Suffolk County district attorney's office was prosecuting the case, given the very high profile of that case, it was a headliner back in the mid 1960's, because it obviously had charged a number of individuals alleged to be major organized crime figures. You played, and Dennis Condon played, and State police played, and Chelsea Police played, and Boston Police played an active role in the investigation at preparation for trial?

Mr. RICO. No.

Mr. DELAHUNT. No?

Mr. RICO. We were not involved in the—to my knowledge, in the preparation of the trial or in the investigation. I had never been to the scene of the homicide. I had never——

Mr. DELAHUNT. When you say we, do you mean yourself and Dennis—Mr. Condon?

Mr. RICO. Right.

Mr. DELAHUNT. Are you aware that Mr. Condon testified at the trial?

Mr. RICO. Oh, yes. Yes.

Mr. DELAHUNT. And you're telling me and members of this committee that he wasn't involved in the preparation and the trial of the case? Why don't you take a moment and refresh your memory.

Mr. RICO. Well, it depends on what you're talking about preparation. I think that we made Barboza available at a time when they came to interview him, we would be there, but it wasn't as if we're directing the investigation——

Mr. DELAHUNT. But you heard——

Mr. RICO. It's a——

Mr. DELAHUNT. I——

Mr. RICO. And we're trying to be cooperative with him.

Mr. DELAHUNT. I understand it's their investigation, but let's be very candid. The FBI and the director of the FBI, Mr. Hoover, had a major interest in organized crime in New England?

Mr. RICO. Eventually, he did. Right.

Mr. DELAHUNT. And the people that were indicted, with the exception of Mr. Salvati, were alleged to be major organized crime figures. Is that a fair statement?

Mr. RICO. They were organized crime figures.

Mr. DELAHUNT. They were organized crime?

Mr. RICO. Right.

Mr. DELAHUNT. And you mean to tell myself and members of this committee that you followed this case from a distance, and you really weren't intimately involved in one of the cases that the Director of the FBI had prioritized?

Mr. DELAHUNT. And, Mr. Rico, you were a well-known agent. You were decorated. You spent your career with organized crime figures, developing information.

Mr. RICO. In a different way than Bear did, right.

Mr. DELAHUNT. Well, I'm going to ask that that statement be struck from the record and expunged, because the Bear isn't here.

Mr. RICO. Right.

Mr. DELAHUNT. I'm asking you the questions——

Mr. RICO. Right. OK.

Mr. DELAHUNT [continuing]. Mr. Rico, OK?

Mr. RICO. I am not——

Mr. BARR. Excuse me, Mr. Rico. Statements can't just be struck.

Mr. RICO. What's that?

Mr. BARR. I'm saying that statements just can't be struck from the record. Just because somebody isn't here who's name is mentioned. Your time is expired, and we'll now turn to the gentleman from Ohio. Mr. LaTourette is recognized for 5 minutes.

Mr. LATOURETTE. Thank you, Mr. Chairman. Mr. Rico, I want to pick up where my friend from Massachusetts left off, and that is, not only did—and Mr. Condon—Special Agent Condon testify, but also Special Agent Bolin testified at the trial of these defendants. Are you aware of that?

Mr. RICO. What trial?

Mr. LATOURETTE. The trial that brings us all together here, the Salvati trial, the trial involving the murder of Deegan. Did you know a Special Agent Bolin?

Mr. RICO. No.

Mr. LATOURETTE. Apparently——

Mr. RICO. I think I do.

Mr. LATOURETTE. Apparently he's credited with discrediting the alibi of one of the co-defendants in the case, and that letter, I think, after everyone is convicted on July 31st, a report goes up to headquarters, recommending commendations for you, Special Agent Condon, and Special Agent Bolin. Does any of that ring a bell to you?

Mr. RICO. Well, I can remember Special Agent Bolin now, but I didn't know what degree he was involved in the case.

Mr. LATOURETTE. OK. There came a time when you and Special Agent Condon went up to—is it Walpole prison?

Mr. RICO. Yes.

Mr. LATOURETTE. To interview Mr. Barboza?

Mr. RICO. Yes.

Mr. LATOURETTE. And that was before the trial of Mr. Salvati and the defendants in the Teddy Deegan murder, was it not?

Mr. RICO. Yes.

Mr. LATOURETTE. And during the course of that interview, you wrote a report back to your superiors, and in that report, you indicated that Mr. Barboza, as kind of a valuable witness, or could be, because he knows anything on any murder that's occurred in the minority east but he makes clear to you and your partner during the course of that interview that he's not going to give up Jimmy Vincent Flemmi. Do you remember that?

Mr. RICO. Yes.

Mr. LATOURETTE. OK. And the question I have to you is, then, that at the time that Mr. Salvati and his co-defendants go to trial, you have, as a result of your investigation, the information that you have received—and if not you personally, I assume that you just didn't gather information as a special agent and keep it to yourself. There would be dialog in Boston office, wouldn't there? You and Mr. Condon certainly talked, did you not, Special Agent Condon?

Mr. RICO. Yes.

Mr. LATOURETTE. OK. At the time these fellows went to trial, you had received confidential information from an informant that James Vincent Flemmi wanted to kill Deegan. Isn't that correct? Or said that he wanted to kill him. Right?

Mr. RICO. Yes. Yes.

Mr. LATOURETTE. OK. You also had information that Vincent Flemmi—or the claim was that Vincent Flemmi did, in fact, participate in the killing of Teddy Deegan.

Mr. RICO. Yes.

Mr. LATOURETTE. You also had information in your position or the office did that Joe Barboza participated in the homicide of Teddy Deegan?

Mr. RICO. Yes.

Mr. LATOURETTE. Prior to the trial. And then you also had information from this interview at Walpole Prison that Barboza would never give up Jimmy Flemmi.

Mr. RICO. Right.

Mr. LATOURETTE. OK. Given all that information—and I understand what you said that you handed it over to the local police and the prosecuting agencies and so on and so forth, but going back to Mr. Delahunt's question, or maybe it was Mr. Barr, certainly the FBI office in Boston is not just a casual observer of this—you know, it's not—while it's interesting that there's a trial going on and we'll get back to you, it was so interesting that the minute it's over on July 31st, a report goes to headquarters saying that all are convicted.

Given all of those things that were within your knowledge, I mean, did you have any qualms back in 1968 about putting Joe Barboza or knowing that Joe Barboza was going to be the sole and only testimony against Joe Salvati, and potentially put him on death row? Did that cause you any—I'm not talking today. I'm talking back in 1968.

Mr. RICO. I was not aware of all of the ramifications of the case itself.

Mr. LATOURETTE. Maybe not, but you were aware of all of the things I went through—the five or six things I just went through with you.

Mr. RICO. Right. Right.

Mr. LATOURETTE. And none of that caused you any concern or qualm about the witness that you supplied—not you personally, but your office, and you were the handler, that this was the only testimony against not only the other court defendants but Mr. Salvati, who we now know had nothing to do with it?

Mr. RICO. Uh-huh.

Mr. LATOURETTE. That he could go on death row on the basis of this testimony? As an experienced law enforcement officer, isn't that shaky, even by confidential informant standards?

Mr. RICO. Well, there isn't any good answer to that.

Mr. LATOURETTE. I don't think there is a good answer to that, because I think that the answer is that it was real shaky. The last thing I want to ask you is that I think I saw you sitting here during the course of the hearing today, and you're pretty much aware of the theory of this hearing, if you will, or the observations that people are making, and that is that the FBI office in Boston, MA was willing to sacrifice 33 years of a man's life, separate him for 33 years from his wife and his children, to protect a guy nicknamed "the Animal," a cold-blooded killer, so that the mob could be penetrated and brought down. And I just would like to have your observation as to the accuracy of that theory.

Mr. RICO. I don't think that the FBI was interested in saving Joe Barboza from anything. Joe Barboza was an instrument that you could use. If he was involved in a crime and it was something that could be prosecuted, that was fine, but there was no—we didn't think he was a knight in shining armor.

Mr. LATOURETTE. I know you don't but——

Mr. RICO. We did not think he should have been in the foreign service or anything. We just tried to use him——

Mr. LATOURETTE. Right.

Mr. RICO [continuing]. For obtaining information and evidence of crimes.

Mr. LATOURETTE. If Mr. Barr would just let me complete this thought. But when you say "weren't interested in protecting him from anything," the testimony before the panel is that the Witness Protection Program in the U.S. Government was established and begun for Mr. Barboza.

Mr. RICO. Well, the—also I'd like to clear up that Santa Rosa situation. We did go out there and testify that he had been a witness. That's all we testified to.

Mr. LATOURETTE. Thank you. Thank you, Mr. Barr.

Mr. BARR. The gentleman from Connecticut, Mr. Shays, is recognized for 5 minutes.

Mr. SHAYS. I don't understand a lot of things, Mr. Rico. I don't understand your lack of remorse. It just seems cold. It's kind of what I think in other people, not an FBI agent. But with Mr. Salvati, because of your star witness, your prized witness, he was found guilty of a crime he didn't commit, and you ended up deciding to go to California, you and Mr. Rico and Mr. Harrington and Mr. Condon. Why did all three of you go to California?

Mr. RICO. We were subpoenaed.

Mr. SHAYS. You all three were?

Mr. RICO. We were subpoenaed and the Attorney General of the United States authorized us to testify.

Mr. SHAYS. OK.

Mr. RICO. And that's what——

Mr. SHAYS. What was your testimony? Are you under oath telling us that you just went to say he was a witness, or were you here to say he was a good witness? Did you characterize him in any way at that hearing?

Mr. RICO. I think we indicated that he had been a witness in three separate trials back in Massachusetts, one of which everyone was found not guilty.

Mr. SHAYS. Right. And isn't it true that besides saying that he was a witness, you were also saying that he was a reliable witness?

Mr. RICO. No. No, no.

Mr. SHAYS. So you didn't, in any way in California, characterize the quality of his testimony?

Mr. RICO. My memory is that we just testified that he was a witness on three different cases back in Massachusetts.

Mr. SHAYS. Tell me what you thought of him as a witness.

Mr. RICO. As a witness?

Mr. SHAYS. Yeah.

Mr. RICO. Well, the case that we're interested in here, I was not——

Mr. SHAYS. Just in general. Just in general, tell me what you thought of Mr. Barboza as a witness.

Mr. RICO. I thought that he was convincing, that he was there at the scene of a crime. If he was a participant in the crime.

Mr. SHAYS. What would have convinced you that he would have told the truth? I mean, he was a notorious contract killer. That you knew. Correct? You knew he was a contract killer?

Mr. RICO. He testified to that.

Mr. SHAYS. And you knew that he was a—see, the thing is even though he—if he testifies to that, I don't know if you're willing to acknowledge he knew it. You knew he was a contract killer?

Mr. RICO. I don't know if I knew he was a contract killer before he testified. I knew he was a killer, but I knew he was a contract killer till after he testified.

Mr. SHAYS. Did you have any doubts that he was a contract killer?

Mr. RICO. Not after he testified, no. Convincing——

Mr. SHAYS. And what you're saying to us is that when you all—didn't you have conversations with Mr. Barboza before he testified?

Mr. RICO. Sure. Yes.

Mr. SHAYS. Of course. Of course you did.

Mr. RICO. Yes.

Mr. SHAYS. And you're not a naive FBI agent. That's the one thing I'll give you credit for.

Mr. RICO. I'm not a what?

Mr. SHAYS. You're not a naive FBI agent. You're a pretty wily guy and you knew a lot of stuff, so I'll give you credit for that and so did Mr. Condon. So in the course of your conversation, you were testifying to us that in all your conversations with Mr. Barboza, you did not know that he was a contract killer until he testified under oath?

Mr. RICO. Well, no. When he told us the contract that he was asked to execute for Raymond Patriarca, that's when I became aware.

Mr. SHAYS. So you knew before he testified that he was a contract killer?

Mr. RICO. Yes. Right.

Mr. SHAYS. But before you said you didn't know until he testified. And so I just want to see which story——

Mr. RICO. It was until——

Mr. SHAYS. No. Which story——

Mr. RICO. Came up.

Mr. SHAYS. I didn't say when the subject came up. I didn't do that. You're starting to say things that I didn't say. I asked you a question.

Mr. RICO. Right.

Mr. SHAYS. Of whether you knew he was a contract killer, and under oath. You said you didn't know until he testified. And now you're saying something different. Now you're saying you knew before, and the reason you're saying you knew something before is because I happened to ask you the question, and it conflicts with what you said earlier. The fact is, you had many conversations with this gentleman; correct?

Mr. RICO. I had some conversation with him. Yeah. Right.

Mr. SHAYS. More than two or three?

Mr. RICO. Right.

Mr. SHAYS. He was a witness that you turned against organized crime and be supportive of going after organized crime. He was one of the witnesses you turned. He was a crook, and now he was going after crooks. Isn't that true?

Mr. RICO. Yes.

Mr. SHAYS. OK. And the FBI took some pride in the fact that they had this witness who was now—we had successfully turned to go after organized crime, and the fact is, Mr. Rico, you knew he was a contract killer before he testified. Isn't that true?

Mr. RICO. From interviewing him, I knew, yes.

Mr. SHAYS. Yes. OK. Well, it's just good to have you say that. So I should believe that testimony, not the part when you answered the question and said you didn't know until after he testified. So OK.

Mr. RICO. After he agreed to testify?

Mr. SHAYS. Pardon me?

Mr. RICO. After he agreed to testify. After he agreed that—to testify, then——

Mr. SHAYS. So now you're——

Mr. RICO. The debriefing him comes out——

Mr. SHAYS. So you knew he was a contract killer, and you knew this contract killer was—had testified against Mr. Salvati; correct? You knew he testified and five other individuals. Isn't that correct?

Mr. RICO. Right.

Mr. SHAYS. OK. So you knew he had testified—you knew this contract killer was testifying against these six witnesses. What made you think he was telling the truth?

Mr. RICO. Because I think the—I thought that the fear of perjury——

Mr. SHAYS. Excuse me. You need to get close to the mic.

Mr. RICO. I would think that the fear of perjury would prevent him from lying.

Mr. SHAYS. Why would you think the fear of perjury would prevent him from lying?

Mr. RICO. I don't know. I had to think something. So that's what I thought.

Mr. SHAYS. No. I think that's an honest answer. I think your character is coming through. You think you had to say something. So in fact you really couldn't be certain he was telling the truth?

Mr. RICO. No. I don't think I could be certain that he's ever telling the truth.

Mr. SHAYS. Right. OK. But he was a witness, and you and Mr. Condon were involved in turning this witness around; correct? Turning him against the mob, whereas before he worked for the mob?

Mr. RICO. I don't think it was us as—that turned him. I think the fact that they killed his associates and took his money.

Mr. SHAYS. Right, but you——

Mr. RICO. Turned. But I happened to be there when——

Mr. SHAYS. Were you the FBI agents that basically were responsible for convincing Mr. Barboza that he would be better off testifying against organized crime?

Mr. RICO. All we're trying to convince a lot of people that, yes, and he was one of them.

Mr. SHAYS. I know that and he was one of them and you succeeded with him and failed with others. Isn't that true?

Mr. RICO. Well, we succeeded with some others too.

Mr. SHAYS. OK you succeeded with some others too. In the end, the answer to the question—the answer to the question is, yes, you succeeded——

Mr. RICO. Yes.

Mr. SHAYS [continuing]. In turning him around? OK. What made you feel comfortable that the testimony that he gave against these six individuals was accurate, given the fact that you had information that it was people other than these six? Or at least four of them weren't guilty. Given the fact you knew of information that never brought Mr. Salvati into this case and three others, what made you think that he was telling the truth?

Mr. RICO. I had no way of knowing he wasn't telling the truth, except informant information.

Mr. SHAYS. No. No, but——

Mr. RICO. And informant information, I don't know whether that's true.

Mr. SHAYS. So—but you acknowledge that you had informant information, not Mr. Barboza, but informant information that conflicted with what Mr. Barboza said on the trial——

Mr. RICO. I can tell you—I'm under oath and can tell you that I have known some informants that have supplied information that hasn't been true.

Mr. SHAYS. I understand that. I understand, but that's not what I asked. So you answered something you wanted to answer, but you didn't answer the question.

Mr. RICO. What's the question?

Mr. SHAYS. The question was that you had information from informants that conflicted with the testimony of Mr. Barboza?

Mr. RICO. Right. Right.

Mr. SHAYS. Why did you decide to go along with Mr. Barboza and not with the testimony from—excuse me, the information you had from your informants?

Mr. RICO. I was not handling the case. This was a local case that was being handled by the local authorities.

Mr. SHAYS. You're not testifying under oath, are you, Mr. Rico, that you had no conversations with Mr. Barboza about this case? So your testimony, you had no discussion with Mr. Barboza about this case?

Mr. RICO. About this case?

Mr. SHAYS. Yes.

Mr. RICO. I had conversations in the past about this case.

Mr. SHAYS. October. You had many conversations.

Mr. RICO. Right?

Mr. SHAYS. Isn't that true? So when you say you weren't involved in this case, you had conversations with Mr. Barboza about the case informing Mr. Salvati and five other witnesses. You had conversations. So you can't say you weren't involved in the case. How can you say that? This is your witness. So tell me how you can make that claim?

Mr. RICO. Because we indicate to the Boston Police Department that we have this witness, and they come and interview him.

Mr. SHAYS. No. But you also told me something more. You told me something more. You told me that you had a witness that had spoken to you about this case. Correct?

Mr. RICO. I have a witness that spoke——

Mr. SHAYS. Mr. Barboza talked to you about this case?

Mr. RICO. Yes.

Mr. SHAYS. Yes? Correct? And then you supplied this witness to the local authorities and the State authorities. Isn't that true?

Mr. RICO. We——

Mr. SHAYS. I want an answer to my question.

Mr. RICO. I didn't hear the whole question.

Mr. SHAYS. Well, I'll say it again.

Mr. RICO. All right. Say it again.

Mr. SHAYS. You spoke with Mr. Barboza about this case involving Mr. Salvati and five other witnesses. You had a number of conversations with Mr. Barboza about this case. You've already said that's correct. And I am asking you the question now, isn't it true that you then contacted local authorities and State authorities and said you had a witness who had information about this case?

Mr. RICO. Yes.

Mr. SHAYS. OK. What I want to know is why were you willing to supply only that part of the information and not the part to the State and local authorities about the informants you had?

Mr. RICO. I'm not sure we didn't say something about that also. We might have said something about that.

Mr. SHAYS. You might have said it. Is that your testimony that you did?

Mr. RICO. What?

Mr. SHAYS. Is your testimony that you did notify them about the informants who had a different story than the witness? You've got an informant and you've got a witness. What——

Mr. RICO. I have no—I actually have no clear recollection of telling the local authorities of that informant information——

Mr. SHAYS. Why not? Why didn't you tell them about what the informant said that conflicted with what your witness said?

Mr. BURTON [presiding]. Would the gentleman yield? Well, the thing is, he has, as you know, selective memory loss.

Mr. SHAYS. But——

Mr. BURTON. But he's continuing to say that, you know, he doesn't remember, that he can't remember——

Mr. SHAYS. No. But what he did say under oath is very clear. He said that he had information about what the informant said and he had information about what the witness said. He had both two different stories, and I want to know why you decided to give the local police, the State police information that your witness had and not provide information about what the informant had that you knew of. It conflicted——

Mr. RICO. Because the informant told me that 2 years—2–1/2 years before, this witness arrives on the scene.

Mr. SHAYS. So what?

Mr. RICO. So——

Mr. SHAYS. So I would believe their story more. You've already told me that your witness is a notorious criminal. You acknowledge the fact that he killed people. You acknowledged the fact that he was a hit person. He, in fact, even told you that. You told me that you couldn't be sure he—no. Hold on. You already told me you couldn't be sure he would tell the truth, and yet you decided to only supply some information to the authorities that were going to prosecute. And then you give this incredible lame comment that the informants told you 2 years earlier. To me, that's even more important. They told you 2 years earlier. Why didn't you give them that information 2 years earlier?

Mr. RICO. 2 years earlier we supplied that information to the Chelsea Police Department. They had jurisdiction over this case.

Mr. SHAYS. Well, the bottom line is, you have no remorse. You didn't provide information you should have. I think you should be prosecuted. I think you should be sent to jail. That's what I think. I'd like to ask a few more questions, if I might. I'll be happy to take my time.

Mr. BURTON. OK. You said a minute ago that you did supply this information to the Chelsea Police Department——

Mr. RICO. Right.

Mr. BURTON [continuing]. About the informant as well as the witness. Right?

Mr. RICO. Yes. It was supplied by Don Shannon to Robert Renfrew.

Mr. BURTON. So you're saying that the Chelsea Police had information that would have created doubt in a jury's mind about whether or not Mr. Salvati was guilty? I mean, if they had that information from the informant as well as the witness, obviously there would have been some conflicts there, and it would have created doubt. Why is it—can you explain to me and to the committee why is it that the Chelsea Police didn't use that in the trial? Why it wasn't brought up in the trial?

Mr. RICO. I don't know.

Mr. BURTON. Well, your partner, who was your partner, he was your partner. As I understand it, you two worked very closely together. Your partner testified as to the veracity of what Mr.—of what Barboza said at the trial. He testified that he thought he was

a credible witness. Now, you were his partner. You had to know that the informant said something else and Mr. Condon had to know that as well. So why in the world didn't they say that at the trial? Why didn't Mr. Condon, as an FBI agent—he's your partner. Come on. Don't tell me you didn't know—you didn't talk about this stuff. You had dinner together and everything else. Why didn't he just say, look, here's what Mr. Barboza is saying, but we have information contrary to that from an informant? This exculpatory evidence, why in the heck wasn't that brought up? Why did Mr. Condon not say that at the trial?

Mr. RICO. I don't know. I don't know if Mr. Condon said that at the trial or not. I don't know. I wasn't there at the trial.

Mr. BURTON. And you guys never talked about that? You weren't partners? I mean, you weren't together a lot?

Mr. RICO. I don't know what he said at the trial, but I have a transcript here, if I can find it. Do you think he testified——

Mr. BURTON. He did testify.

Mr. RICO [continuing]. That this is a credible witness?

Mr. BURTON. He testified at the trial and——

Mr. RICO. He testified he was a credible witness? What page is that on?

Mr. BURTON. Well, we'll get the exact language for you, Mr.——

Mr. RICO. Yeah. If you would. Sure. I appreciate that.

Mr. BURTON. We'll get that for you. We'll come back to that.

Mr. RICO. I know you wouldn't want to mislead me.

Mr. BURTON. No. I wouldn't mislead you. We'll come back to that. Who's next? Mr. Delahunt, do you have any questions?

Mr. DELAHUNT. Thank you, Mr. Chairman. Going back to the conversation you had with Jack Kehoe, is Jack Kehoe still alive?

Mr. RICO. The last I knew, he was. That's fairly recently.

Mr. DELAHUNT. OK. I would suggest that the committee, Mr. Chairman, should interview Mr. Kehoe, relative to the conversation he had with Mr. Rico.

Would it be fair to say that you would have disclosed the name of that informant to Mr. Kehoe?

Mr. RICO. It would be fair to say that Jack Kehoe would know the identity of the informant.

Mr. DELAHUNT. Thank you.

Mr. RICO. Without my disclosing it to him, because of this stuff that's blocked out here. He would recognize who it was.

Mr. DELAHUNT. So Jack Kehoe would. Would it be fair to infer, given the fact that you and Mr. Condon were partners—and, by the way, how long did you and Mr. Condon work together as partners?

Mr. RICO. Oh, probably 8 years to 10 years.

Mr. DELAHUNT. And you were close?

Mr. RICO. Yes.

Mr. DELAHUNT. And you still are?

Mr. RICO. Yes.

Mr. DELAHUNT. You're close personal friends?

Mr. RICO. Yes.

Mr. DELAHUNT. Is it a fair inference that Mr. Condon, if he read the report that was authored by you, would know the name of that informant?

Mr. RICO. I don't think so. I mean, I don't know the name. I can't tell you who it is. I don't know who it is. Right now I can't remember who that would be. I have——

Mr. DELAHUNT. As we were discussing earlier in terms of your role in cultivating in Barboza as a witness and discussing the Deegan murder, did you supply any information from any source about the murder?

Mr. RICO. Absolutely not.

Mr. DELAHUNT. Not at all? Before he was to testify, did either you or Mr. Condon, working with the assistant district attorney in charge of the case or with local law enforcement, review his testimony?

Mr. RICO. I don't recall doing that, and I don't know whether Dennis did. I don't think so.

Mr. DELAHUNT. So your memory is that you never participated——

Mr. RICO. I can't recall—I can't recall that.

Mr. DELAHUNT. Now, one of the problems that I have, Mr. Rico, is that when you develop a witness and as you said, you supply a witness, particularly a high profile thug like Joe Barboza, the key to having him as an effective witness is to establish his credibility. Is that a fair statement?

Mr. RICO. It sounds good.

Mr. DELAHUNT. I mean, use an agent, myself as a former prosecutor, particularly when you're dealing with somebody like a Barboza——

Mr. RICO. Right.

Mr. DELAHUNT [continuing]. Your biggest concern is, he's going to be impeached. They're going to get him on the stand and they're going to supply documents as to his convictions, review bad acts. You know the drill and I know the drill.

Mr. RICO. Right.

Mr. DELAHUNT. See, what I find difficult is to vet his credibility, is to establish his credibility, when you're the author, you, Paul Rico, are the author of a report that implicates neither Salvati nor Greco nor Limone nor Tameleo, why wouldn't you, because he's your witness, you cultivated him, you flipped him, why wouldn't you and Dennis, working with Jack Kehoe, because he was considered an FBI witness, and he ended up being responsible for the genesis of the Federal Witness Protection Program, why wouldn't you conduct an exhaustive and an intensive investigation to evaluate and assess his credibility?

Why wouldn't you go and have interviewed all of the players that were around in that point in time, determine whether Barboza was lying or telling the truth?

Mr. RICO. It's because in our interviews with him, we were discussing who might have done different crimes, mostly he had swayed a lot of hits in the Boston area, as you remember. And he was on the money on—from the standpoint of—from——

Mr. DELAHUNT. Let me——

Mr. RICO. What we knew and what he knew.

Mr. DELAHUNT. He was responsible or the prime witness who testified in three different cases?

Mr. RICO. Right.

Mr. DELAHUNT. Earlier you indicated on one case that everyone was found not guilty.

Mr. RICO. His——

Mr. DELAHUNT. Correct?

Mr. RICO. His first case.

Mr. DELAHUNT. Everyone found not guilty?

Mr. RICO. Right.

Mr. DELAHUNT. And on this case, he managed to put four innocent people in jail. How did he do on the third case, Mr. Rico?

Mr. RICO. Well, the first case was handled——

Mr. DELAHUNT. I'm asking about the third case.

Mr. RICO. Well, I just——

Mr. DELAHUNT. Did he ever——

Mr. RICO. This is the third case. This is the third case.

Mr. DELAHUNT. Well, I'm not asking you to go chronologically. The second—please, because——

Mr. RICO. He went State, Federal and State.

Mr. DELAHUNT. Right.

Mr. RICO. He got a not guilty on everything in State court.

Mr. DELAHUNT. OK.

Mr. RICO. Guilty in Federal court, and then this was the third case.

Mr. DELAHUNT. OK. He got a guilty—and the third case, of course, is—what we know now is a horrible injustice?

Mr. RICO. Right. Right.

Mr. DELAHUNT. And on the Federal case, what happened then?

Mr. RICO. Guilty.

Mr. DELAHUNT. Guilty. And what were the sentences that were meted out?

Mr. RICO. Small.

Mr. DELAHUNT. So in all this——

Mr. RICO. What?

Mr. DELAHUNT. With all the effort, the resources——

Mr. RICO. Yeah.

Mr. DELAHUNT [continuing]. And the time devoted to cultivating this witness.

Mr. RICO. Uh-huh.

Mr. DELAHUNT [continuing]. We get a couple of soft sentences in the Federal court. That's it. But you still haven't answered the question that I posed to you earlier. You had to know that guys like Bear and others that were there were going to attack his credibility, and if you supplied the witness——

Mr. RICO. Right.

Mr. DELAHUNT [continuing]. But you didn't supply the report that would have devastated his credibility, that's the problem.

Mr. RICO. Yeah.

Mr. DELAHUNT [continuing]. Isn't it, Mr. Rico?

Mr. RICO. That's probably true.

Mr. DELAHUNT. It's probably true.

Mr. RICO. Right.

Mr. BURTON. Then why didn't you supply it?

Mr. RICO. What?

Mr. BURTON. Why didn't you supply the report?

Mr. RICO. Why didn't I supply it?

Mr. BURTON. Yeah. Why wasn't the report supplied? I mean, you just admitted to Mr. Delahunt that if it had been supplied, it would have changed the whole outcome. Why wasn't it supplied? You guys had it. Why did you choose to keep that?

Mr. RICO. I assume that they must have had it. They must have had it. We had given it to Chelsea. Chelsea is the original crime scene——

Mr. BURTON. But you guys were involved in the case when you gave the information to the Chelsea Police. You knew what was going on. It was in the newspapers. You had to know. Why would you not make sure that kind of evidence was given to them? And your partner testified at the trial. We're getting that evidence right now—that information right now. But he testified you guys knew all this stuff and you didn't give it to him.

Mr. RICO. Has he given me the—what do you say that he indicated?

Mr. BURTON. We'll get that.

Mr. RICO. OK.

Mr. BURTON. We'll have that. Mrs. Morella.

Mrs. MORELLA. Thank you, Mr. Chairman. Back to that police report that was discussed. There's a report that we have, from the Boston Police Department on the Deegan murder. Did the FBI share any information on the Deegan murder with the Boston Police Department? I guess I could also expand that, too, and add, did you see any of the police reports from either the Boston Police Department or the Chelsea Police Department during the time of the Deegan murder?

Mr. RICO. I cannot tell you right now.

Mrs. MORELLA. Uh-huh.

Mr. RICO. Up.

Mrs. MORELLA. There's a report—city of Boston report on exhibit 12.

[Exhibit 12 follows:]

EDMUND L. MCHAHARA
POLICE COMMISSIONER

City of Boston 2
Police Department

BUREAU OF INSPECTIONAL SERVICES
INTELLIGENCE DIVISION

Report of Information Received

BY TELEPHONE _____ CONTROL NUMBER _____

WRITTEN COMMUNICATION _____ TIME _____

IN PERSON _____ DATE March 14, 1965

SOURCE OF INFORMATION Informant

SUBJECT Murder Of Teddy Deegan in Chelsea on March 12th

LOCATION _____

DETAILS: From a reliable informant the following facts were obtaine
to the above murder: Informant states that the following men were
Joseph Barrent aka Barboza, Romeo Martin, Freddie Chiampi, Roy Fre
Ronnie Cassesse, Tony Stats. (Greek) Chico Amico, Informant stat
Roy French and Tony Strats. were supposed to lure Deegan to some
on the pretext of doing a B&E and the other men were to be waiti
the area to kill him, Informant states that they were over
lounge in Revere when they received the call from French that ev
was O K then they all left together. After the Killing Romeo Mar
upset because somebody he thought took the number of his car aft
killing. Romeo Martin was a former informant but since hanging
North End hasn't been to helpful. I then talked to Martin and tol
the Police were looking for him in the hope that he would give s

REMARKS _____

REFERRED TO _____

RECEIVED BY _____

000436

Informant states that the reason for the killing of Deegan was that Barren claims that he is with the Hughes brothers and McLaughlins and he felt he Deegan was a threat to his friends in Roxbury(Flemmi & Bennett).

Mr. RICO. Exhibit 12.

Mrs. MORELLA. Roy French was questioned by the Chelsea Police the day after the murder. Besides French, do you know if any of the other individuals identified, either in your report or the Chelsea report, who were questioned about the Deegan murder? For instance, was Vincent Flemmi questioned?

Mr. RICO. I don't know. I have no knowledge of that.

Mrs. MORELLA. You don't remember, or you just don't know whether any of them were questioned?

Mr. RICO. I don't know whether—other people were questioned at that time.

Mrs. MORELLA. Was Vincent Flemmi ever questioned by anybody about the Deegan murder?

Mr. RICO. I don't know. I didn't question him.

Mrs. MORELLA. You don't know. Around the time of the Deegan murder, what evidence had you developed, either on your own or from other law enforcement agencies, regarding Joe Salvati's role in the Deegan——

Mr. RICO. I never received any mention that was derogatory on Joe Salvati ever.

Mrs. MORELLA. You never have?

Mr. RICO. I have no information on Joe Salvati. I don't think I ever heard the name before.

Mrs. MORELLA. You know, I understand that FBI Director Louis Freeh has issued a statement saying that there is a task force that is ongoing that is looking at this issue. It's called a Justice Task Force. It's now been in operation since, I think, early 1999.

Mr. RICO. Uh-huh.

Mrs. MORELLA. Mr. Rico, have they ever questioned you?

Mr. RICO. No.

Mrs. MORELLA. They have not questioned you at all about this?

Mr. RICO. No.

Mrs. MORELLA. Have you received any communication from them about it?

Mr. RICO. What?

Mrs. MORELLA. Have you gotten any communication?

Mr. RICO. No.

Mrs. MORELLA. From the FBI that they're interested at all? Don't you think——

Mr. RICO. I appeared before Judge Wolf in Federal court about a year and a half ago, and I think that's part of the whole system.

Mrs. MORELLA. Were you asked about the Deegan——

Mr. RICO. No. At that time I was asked about Flemmi, Steve Flemmi, not——

Mrs. MORELLA. Not Vince?

Mr. RICO. Not Vincent.

Mrs. MORELLA. Very interesting. I would guess you would expect that we'd be asking you some questions.

Mr. RICO. Fine.

Mrs. MORELLA. Maybe as a result of this hearing.

Mr. RICO. Sure.

Mrs. MORELLA. I think we certainly think they should. Well, Mr. Chairman, I'm going to yield back to you the remainder of my time.

Mr. BARR [presiding]. I thank the gentlelady. Mr. Shays, we'll conclude with 5 minutes from you.

Mr. SHAYS. I may just go slightly over, but I'll try to be as punctual as possible. Mr. Rico, when did you join the FBI?

Mr. RICO. What?

Mr. SHAYS. When did you join the FBI?

Mr. RICO. I think it was 1951, beginning of 1951.

Mr. SHAYS. And when did you retire?

Mr. RICO. 1975.

Mr. SHAYS. And when you—during that time that you were in the FBI, how long were you in the New England area?

Mr. RICO. I was there from the early 1950's to 1970.

Mr. SHAYS. Is that unusual for someone to be in one place basically for most of their time?

Mr. RICO. Not really, no. Well, it could be.

Mr. SHAYS. So the bottom line is you spent a good—maybe almost 20 years of your experience in the New England area?

Mr. RICO. That's right. That's right.

Mr. SHAYS. What did you do after you retired?

Mr. RICO. I went to work for World Jai Alai.

Mr. SHAYS. Did you know at the time that there were concerns that World Jai Alai was—well, let me ask you this. Who hired you?

Mr. RICO. I was hired by a head hunting group. Well, I was interviewed by a head hunting group, and eventually was hired by John Callahan.

Mr. SHAYS. Right. Now, did you have any information that John Callahan was involved in organized crime?

Mr. RICO. Not till late in—not till later.

Mr. SHAYS. Later. Explain later.

Mr. RICO. Later was later, several years later.

Mr. SHAYS. 2 years later, 1 year later.

Mr. RICO. It was shortly before he left the company.

Mr. SHAYS. And so how long was that after he had hired you?

Mr. RICO. After he hired me?

Mr. SHAYS. Yeah.

Mr. RICO. 3 or 4 years probably.

Mr. SHAYS. Why wouldn't you have known that he was involved in organized crime?

Mr. RICO. Why wouldn't I know?

Mr. SHAYS. Yeah, you work for FBI.

Mr. RICO. Because there was nothing in the files of the FBI indicating that John Callahan was in any way connected with organized crime.

Mr. SHAYS. So we have a retired FBI agent who is hired to work at World Jai Alai and hired by an organized crime figure. Did any of your colleagues question the advisability of you working for an organized crime figure?

Mr. RICO. I don't think anyone knew he was an organized crime figure until later.

Mr. SHAYS. The State officials knew.

Mr. RICO. What?

Mr. SHAYS. The State officials knew in Connecticut. They were rather surprised that you would choose to work for someone involved in organized crime.

Mr. RICO. The reason he left was because he was seen with organized crime people. And I reported it to the board of directors, and he was asked to resign.

Mr. SHAYS. You weren't the one who reported it.

Mr. RICO. I wasn't?

Mr. SHAYS. You were the one who discovered he was involved with organized crime? Your testimony before this committee is that no one knew in the organization that he was involved in organized crime until you told them?

Mr. RICO. No one in my company knew that until I told them.

Mr. SHAYS. That is your testimony under oath?

Mr. RICO. No one in my company knew.

Mr. SHAYS. What is the company——

Mr. RICO. Huh?

Mr. SHAYS. Tell me the company.

Mr. RICO. World Jai Alai.

Mr. SHAYS. Your testimony under oath is that nobody in World Jai Alai knew that he was involved in organized crime?

Mr. RICO. That I knew of, yeah.

Mr. SHAYS. Who is Roger Wheeler?

Mr. RICO. He is the person who eventually bought World Jai Alai.

Mr. SHAYS. And you worked for Roger Wheeler?

Mr. RICO. Yes.

Mr. SHAYS. What happened to Roger Wheeler?

Mr. RICO. Roger Wheeler was a homicide victim.

Mr. SHAYS. Who committed that crime? Who killed him?

Mr. RICO. I believe they have a witness that said he did it. I think his name is James Martorano.

Mr. SHAYS. John Vincent Martorano?

Mr. RICO. Martorano.

Mr. SHAYS. Have you ever heard of the individual?

Mr. RICO. Yes. He was with Callahan. It was like a St. Patrick's Day night. He was at the Playboy with John Callahan and two other people, Martorano was.

Mr. SHAYS. He was killed in a club, wasn't he, in Tulsa?

Mr. RICO. What?

Mr. SHAYS. He was killed in Arizona?

Mr. RICO. Oklahoma.

Mr. SHAYS. Oklahoma.

Let me just ask you another line of questions. In 1988 the Supreme Court of Rhode Island found that FBI Special Agent H. Paul Rico, you, suborned the perjury of John Kelley, the State's principal witness in the 1970 murder trial of Maurice Lerner. Apparently at your instigation, Mr. Rico, Kelley altered two facts directly dealing with the murder and the extent of the promises that you made in exchange for Kelley's testimony. When asked why he perjured himself, Kelley said my life was in the FBI's hands, and this is in brackets, Special Agent Rico, end of brackets, said I had no alternative.

Mr. Rico, why did you suborn the perjury of the State's main witness John Kelley in the gangland killing of Anthony Melei?

Mr. RICO. Anthony who?

Mr. SHAYS. Anthony Melei.

Mr. RICO. I don't know who that is.

Mr. SHAYS. Isn't it true that you were found, the Supreme Court of Rhode Island found you to have perjured—suborned the perjury of John Kelley? Weren't you cited in 1988?

Mr. RICO. I'm unaware of that.

Mr. SHAYS. You're unaware of any perjury, any order, any decision—I want you to be real careful about this because you did have a conversation with one of our staff. So I want you to think this through for a second. I just read you something that was pretty clear. I want you to tell me what your answer is to that.

Do you know who Maurice Lerner is?

Mr. RICO. Yes, oh yeah, Maurice Lerner.

Mr. SHAYS. Do you know who John Kelley is?

Mr. RICO. Yes.

Mr. SHAYS. You know who those two people are?

Mr. RICO. Yes.

Mr. SHAYS. Who are they?

Mr. RICO. John J. Kelley is an individual that's been involved in different forms of crime over a long period of time, including numerous bank robberies and armored car robberies on a national basis.

Mr. SHAYS. Right. And you have had contact with them, haven't you?

Mr. RICO. Yes.

Mr. SHAYS. And you had a circumstance where you spoke to him about the testimony he gave before the Supreme Court in Rhode Island—I mean, excuse me, before the court in Rhode Island, not the Supreme Court.

Mr. RICO. I had a conversation with John over that?

Mr. SHAYS. John Kelley.

Mr. RICO. I'm not trying to be evasive. I think that John J. Kelley——

Mr. SHAYS. John. If it's John J. Kelley, I know it's John Kelley.

Mr. RICO. It's the person that was tried in the Plymouth mail robbery. He became a government witness.

Mr. SHAYS. Could you put the mic a little closer to you, please?

Mr. RICO. He was a principal in the Plymouth mail robbery, was tried and F. Lee Bailey represented him and he was found not guilty. He later became involved in another robbery of a Brinks truck and he was awaiting trial on that matter when he decided that he would become a government witness. And he became a government witness. And once his testimony was over and his sentencing was over he decided to change his testimony.

Mr. SHAYS. He perjured himself, and he claims that you were the reason he perjured.

Mr. RICO. That's right. That's what he claimed. That's true.

Mr. SHAYS. You just seem——

Mr. RICO. Because I thought you were saying that I had been found guilty of perjury. I wasn't involved in being convicted. He alleged it, that I did this?

Mr. SHAYS. Right. And weren't you cited by the Supreme Court?

Mr. RICO. I don't know if I was. I don't think so.

Mr. SHAYS. What was the claim that he made? How had he perjured himself?

Mr. RICO. You ask him, Maurice Lerner. Maurice Lerner had a shooting gallery in his basement and he was, according to Jack Kelley, this guy was a very competent killer and Jack was very afraid of him and I think that after Jack Kelley got his legal problems squared away that he decided he would help Lerner and he changed his testimony and said that he had only testified the other way because I had insisted on it.

Mr. SHAYS. I am going to ask you two questions. Mr. Rico, why did you suborn the perjury of the State's main witness John Kelley in the gangland killing of Anthony Melei.

Mr. RICO. Why did I do that?

Mr. SHAYS. Yes.

Mr. RICO. I did not suborn perjury.

Mr. SHAYS. Did you also perjure yourself in that case by corroborating Kelley's false statements concerning promises you made to Kelley in exchange for his testimony?

Mr. RICO. I have always been able to say to everybody that was a witness or a potential witness the same thing, that we will bring whatever cooperation you bring to the attention of the proper authorities. There's nothing else that I have ever said concerning eliciting testimony.

Mr. SHAYS. Two points. Isn't it true that Mr. Kelley perjured himself?

Mr. RICO. I don't know that.

Mr. SHAYS. You don't know if Mr. Kelley perjured?

Mr. RICO. If he changed his testimony from the first time and changed it to something else the second time, he obviously was wrong in one of those instances.

Mr. SHAYS. Isn't it true that he claims you were the reason that he had given false testimony the first time?

Mr. RICO. That's probably true. That's probably what he said.

Mr. SHAYS. No, not probably. Isn't it true?

Mr. RICO. It's probably true.

Mr. SHAYS. Don't use the word "probably." Isn't it true that he said that you encouraged him to perjure himself and give false testimony?

Mr. RICO. Yes.

Mr. SHAYS. Well, you know I realize that he may be an unsavory character but why shouldn't I believe him more than you were willing to believe your star witness Joseph Barboza and send someone to jail for 30 years? Why should you be incredulous about my question?

Mr. RICO. No, no, no. He would be very interesting if you would talk to him.

Mr. SHAYS. This has been a fascinating day for me, Mr. Rico. I think the thing I'm most surprised about is that it's clear to me that the FBI became as corrupt as the people they went after and it's clear to me that you have the same insensitivity that I would imagine in someone who is a hard and fast criminal. No remorse whatsoever. Cold as can be. The fact that a man spent 30 years in jail, no big deal. No tears. No regret, and yet you were responsible for that man being in jail for 30 years. You have gotten just like the people you went after. What a legacy.

Mr. BARR. The Chair recognizes the counsel, Mr. Wilson.

Mr. WILSON. Mr. Rico, there are a number of questions that need to be answered but there's one that sticks out in my mind right now and it's this. We've learned that on many occasions you talked to Joe Barboza. He was a witness that you were handling, went into the Witness Protection Program. You worked with him after he was in the Witness Protection Program. When you asked him the question where was Vincent Flemmi on March 12, 1965, what did he tell you?

Mr. RICO. I don't think we ever asked him that question. We never asked him that question.

Mr. WILSON. The only reason I ask that is because it's the only question that you could not have failed to ask. It's inconceivable that you wouldn't ask that question. I'll tell you why it's inconceivable to me. In 1964 you learned that Vincent Flemmi wanted to kill Teddy Deegan. That was on October 19, 1964, you knew that Vincent Flemmi wanted to kill Teddy Deegan. On March 10 you learned from the informant that Deegan was going to be murdered. On March 13, 1965 you learned from an informant that Vincent Flemmi told people that the Deegan murder was committed by Joseph Barboza and himself. So in 1964 you knew Teddy Deegan was going to be killed and Vincent Flemmi wanted to kill him or at least you learned that Vincent Flemmi wanted to kill him. The following year you learned that Flemmi had said that he had killed him. A little bit later in April, April 5, 1965, you had your first reported contact with Vincent Flemmi trying to get information from him. We're told by the task force head that on April 15 you opened an informant file on Vincent Flemmi. You started working with Vincent Flemmi's brother in 1965 to obtain informant information. And then you finally start working with Barboza, with all this knowledge in the background of what Vincent Flemmi wanted to do with Teddy Deegan, and you had the perfect opportunity to ask Barboza where was Vincent Flemmi. I mean that's the only question that you would think you would want answered. You knew you testified that Vincent Flemmi was a killer, right?

Mr. RICO. Right.

Mr. WILSON. And here's the possibility that there's a murder to be solved and you have got information that Vincent Flemmi might be involved in the murder. Did you purposefully want to leave him on the streets?

Mr. RICO. No, no, no. I arrested Vincent Flemmi.

Mr. WILSON. Well, you had an opportunity to followup and at least ask the question of your principal witness about Vincent Flemmi. Where was Vincent Flemmi on the day that Teddy Deegan was killed? That's to me the one question that you would have had to ask him.

Mr. RICO. Yeah.

Mr. WILSON. And you didn't ask him that?

Mr. RICO. I don't remember asking him that, no.

Mr. WILSON. Now the most important document I think in this whole series of documents we have is exhibit No. 24 in our book and if you would turn to that, take a moment to look at it, please. It's a two-page document. We talked about it in a previous panel. It was prepared by yourself and your partner, Dennis Condon. It's dated March 8, 1967. Apparently it's information that was obtained at Walpole, which is a prison in Massachusetts. And on the second page——

[Exhibit 24 follows:]

JOSEPH BARON, also known as JOE BARBOZA, was interviewed at the Massachusetts Correctional Institution, Walpole, Massachusetts.

BARON stated that he would not mind talking to the Agents if the Agents would not end up testifying against him for what he said. BARON was told that if he wanted to talk in confidence that "we would respect his confidence."

BARON advised that he has always tried to make a living outside of the law and that if anyone in law enforcement could prove that he was doing wrong, he is willing to pay the consequences. However, he said, when you find that a police officer that you know "fingered scores, acted as lookout when scores were being pulled, and divided up the proceeds of these scores" turns around and manufactures evidence and testimony against you, you have a feeling that maybe you, the criminal, have played by the wrong standards.

BARON said that he never wanted to physically hurt anyone in law enforcement but added that "If my life is ruined by this individual trying to benefit his own ambitions, the day I come out of jail could be the day this Lieutenant becomes nervous."

BARON said that he knows that INCEGNERI is friends with the "connected people" and that these people wanted to see him hurt. BARON advised that he has always tried to get along with these people and that, as a matter of fact, he used to see RAYMOND PATRIARCA and get an "OK" before he made most of his moves. Since they killed three of his friends, however, (THOMAS J. DE PRISCO, ARTHUR C. BRATSOS and JOSEPH W. AMICO) and stole $70,000 from him (This is in reference to the money allegedly in BRATSOS' possession when he was murdered), he had made statements that he was going to kill several of them. BARON said that after thinking the entire situation over, he realized that he could not possibly

On 3/8/67 at Walpole, Massachusetts File # [redacted]

by SA's DENNIS M. CONDON and H. PAUL RICO:pol'b 3 Date dictated

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EXHIBIT 24

[redacted]

DMC:HPR:po'b

2

[redacted] BARON, knows what has happened in practically every murder that has been committed in this area. He said that he would never provide information that would allow JAMES VINCENT FIDDMI to "fry" but that he will consider furnishing information on these murders.

[redacted]

Mr. RICO. I don't find it.

Mr. WILSON. Do you have exhibit 24?

Mr. RICO. I have 25, OK. Coming up. 24. OK. This has to be 24.

Mr. WILSON. It's a two-page document. It's a write-up of your interview and Mr. Condon's interview with Joe Barboza, and on the second page the FBI has redacted most of the information on the second page so we don't know what's there, but it does say, the one bit of text that's left on the page, Baron, now Baron was Barboza's other name, "Baron knows what has happened in practically every murder that has been committed in this area. He said that he would never provide information that would allow James Vincent Flemmi to fry but that he will consider furnishing information on these murders."

Now, given the fact that you had all the information about Vincent Flemmi wanting to kill Teddy Deegan and then after the fact having killed Teddy Deegan, given the fact that you had that information and given that Joe Barboza told you that he wasn't going to give you any information about Vincent Flemmi, did you have any concern that Barboza was going to protect Vincent Flemmi in the trial for the Deegan murder?

Mr. RICO. I probably had concern over it at that time.

Mr. WILSON. What did you do, what concrete steps did you do to express your concern.

Mr. RICO. Well, I think I indicated to John Doyle the possibility that this guy would not provide information on Jimmy Flemmi because he's his friend and I think that should be borne in mind when you interview this guy.

Mr. WILSON. But now he's your witness. You're the one taking the interviews here. Why didn't you ask him the question for your own peace of mind? This was a death penalty case. You apparently were his handler.

Mr. RICO. Well, he'd already said that he will not tell us, right?

Mr. WILSON. Pardon.

Mr. RICO. He already said that he would not give us anything that would be harmful to Jimmy Flemmi.

Mr. WILSON. So that was it; you wouldn't even followup and say I need to know, I need to know to move forward? Tell me what happened. Well, let me just ask you a couple of other related questions because a trial took place, and in hindsight, obviously hindsight is helpful but there was this extraordinary testimony about a guy wearing a wig to make him look bald. Did you know that Vincent Flemmi was bald?

Mr. RICO. Yes, yes.

Mr. WILSON. OK. What did you think about the testimony at trial?

Mr. RICO. I didn't hear that testimony until today. That's the only time I ever heard that testimony was today.

Mr. WILSON. It seems to us that it had to have been as far-fetched in 1967 and 1968.

Mr. RICO. I don't remember it happening at that time, you know.

Mr. WILSON. Your partner testified at the trial, Barboza was your witness. Weren't you following what he was saying. That would have ramifications for Federal trials. You were going to put

the guy on the stand in other trials. Didn't you need to know what he was saying in that trial?

Mr. RICO. No, that was the last trial.

Mr. WILSON. But he's still in the Witness Protection Program. Is that it? There was no possibility that he would ever be able to give up information again?

Mr. RICO. I think that was it. I didn't think he was going to give us information that we could use on anything else. He was cut loose.

Mr. WILSON. Did you ever debrief Barboza again? Did you ever talk to him about any other matter after?

Mr. RICO. Yeah, I did. I talked to him in Santa Rosa and he told me that somebody from Massachusetts had visited him, and I told him that person was really not a friend of his and he should be careful. And when he got out of jail he visited that person and when he walked out the front door he got hit with a shotgun. That was the end of Barboza.

Mr. WILSON. And that was in 1976, correct?

Mr. RICO. I don't remember the year. I just know that's what happened.

Mr. WILSON. Right. Now, one of the other things that's of some concern to us, and we'll just try to make sure we understand this fully, Vincent Flemmi was being used as an informant in 1965, correct?

Mr. RICO. I don't think I used him at all.

Mr. WILSON. I remember you said that before in answer to one of the Congressman's question. I think you said that you didn't know that Vincent Flemmi was an informant at all.

Mr. RICO. I don't think I had him as an informant. I had——

Mr. WILSON. The question is did you know he was an informant for the FBI?

Mr. RICO. Well, somebody could have opened him as an informant.

Mr. WILSON. But the question is did you know he was an informant for the FBI ever prior to today?

Mr. RICO. We're talking about somebody that most of the informants you have to certify their emotional stability and it would be difficult to certify James's emotional stability. So I don't know whether or not someone decided to open him. I don't think I did.

Mr. SHAYS. Could the gentleman yield for a second? I don't understand. You have to certify?

Mr. RICO. You want to make sure that whoever you have is emotionally stable. Not a nut.

Mr. SHAYS. You also want to make sure they tell the truth, too, right?

Mr. RICO. You want to make sure whether you can determine that they tell the truth.

Mr. SHAYS. I want to make sure I understand this. You care about a witness to make sure he's emotionally credible but you don't care about the other things that a witness might say?

Mr. RICO. Yes, of course you do.

Mr. SHAYS. Well, you didn't seem to—well, thank you.

Mr. WILSON. Well, I'm just a little concerned that we didn't get a clear answer to the question.

Mr. RICO. Well, do you have Vincent Flemmi as my informant?

Mr. WILSON. I don't, but that's not my question. My question is did you know that Vincent Flemmi was being used as an informant by anybody in the FBI?

Mr. RICO. At the present time I don't know whether he was being used as an informant. I doubt that he was being used as an informant.

Mr. WILSON. Did you know that anybody was considering using him as an informant?

Mr. RICO. If you work in organized crime the Bureau expects you to come up with sources and informants, so it's very possible that somebody could consider him. I don't know that.

Mr. WILSON. Well, that is the answer. You're saying you did not know that?

Mr. RICO. I can't recall that. OK.

Mr. WILSON. You did know, I believe you testified that Steven Flemmi was being considered as an informant.

Mr. RICO. I had him.

Mr. WILSON. Now one of the problems that we face here is when you interviewed Barboza and he said he wasn't going to give you any information that would—and I'm paraphrasing—but would lead his brother, would lead Vincent Flemmi to fry, at that time you have got knowledge that you've been using Steven Flemmi as an informant. It seems to me there is a terrible conflict there. If you had asked Barboza probing questions about Vincent Flemmi, which seems to me a fairly logical thing to have done, you would have put yourself into trouble with your informant Steve Flemmi. Did that ever occur to you?

Mr. RICO. That is a possibility.

Mr. WILSON. Well——

Mr. RICO. It wouldn't have prevented us from asking. We try not to be married to informants.

Mr. WILSON. But to try to put it as simply as possible, one of our concerns is that in order to keep your relationship with Steven Flemmi you're turning a blind eye to what Vincent Flemmi is doing.

Mr. RICO. No, no. I mentioned before I ended up arresting him, including with my partner Dennis.

Mr. WILSON. But not for the Deegan murder?

Mr. RICO. No.

Mr. WILSON. And you didn't ask any questions about Vincent Flemmi's possible participation in the Deegan murder, none at all?

Mr. RICO. Well, I think John, I think John Doyle was pretty much aware that Vincent Flemmi and Joseph Barboza were very close. And I think that was brought out in conversations between us, John Doyle, myself, Dennis, yeah.

Mr. WILSON. I guess this is a very important question that we've not asked yet. But in 1965, given that you knew there was a bald guy allegedly in the Deegan murder and that Barboza did commit the murder, did you suspect that that person was Vincent Flemmi? I'm asking whether you suspected that.

Mr. RICO. I can't answer that now. I can't answer that at the present time. I can't think of what I thought back then.

Mr. WILSON. Did——

Mr. RICO. Vincent was capable of doing anything though.

Mr. WILSON. Given what we now know, it's obvious to us but it would have been obvious to you in 1965 and 1966 and 1967. You told us you ultimately arrested Vincent Flemmi. But what you had in 1964 is information that Vincent Flemmi was going to kill Teddy Deegan and then you had informant information in fact that Vincent Flemmi was going to kill Teddy Deegan. In fact, you sent memos to the Director of the Federal Bureau of Investigation, your ultimate boss, that Vincent Flemmi is going to kill Teddy Deegan and then there is a bald guy that ends up helping to kill Teddy Deegan and you told us you don't know about the testimony but you just don't remember. That's your testimony, that you just don't remember?

Mr. RICO. That's right, I don't remember.

Mr. WILSON. What your suspicion was?

Mr. RICO. And I don't think I sent a communication. Oh, yes, I did. OK.

Mr. WILSON. There are a number of memoranda——

Mr. RICO. I see it.

Mr. WILSON [continuing]. That you authored here. Some went to the Director.

Mr. RICO. Right.

Mr. WILSON. Did you have any verbal conversations, any conversations with the Director of the FBI about the Deegan case?

Mr. RICO. No.

Mr. WILSON. Did you know the Director of the FBI?

Mr. RICO. I only knew who he was. I didn't know him.

Mr. WILSON. If you could give us a little sense of memoranda that were being prepared. Did you prepare more than one memorandum a week for the Director of the FBI?

Mr. RICO. I don't think so. I don't think so. I don't even think it was, I don't recall it being my responsibility.

Mr. WILSON. From our perspective, looking at the documents we've been provided, it doesn't appear to be something that you did frequently. Is that fair to say?

Mr. RICO. Right, I would think it would be fair to say.

Mr. WILSON. I think you have had a chance to look a little bit through the binder here. Do you know of any other memoranda that you prepared that discussed Vincent Flemmi, and let me put that in context, Vincent Flemmi in the Deegan case?

Mr. RICO. I would like to take a break.

Mr. WILSON. OK.

Mr. RICO. Which way is the nearest men's room?

Mr. BARR. We'll stand in recess for 5 minutes.

[Recess.]

Mr. BARR. I think Mr. Wilson has finished his questions. Mr. Delahunt, you had one other area of inquiry that you wanted to go into before we conclude?

Mr. DELAHUNT. Yes.

Mr. BARR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. DELAHUNT. Mr. Rico, you never inquired of or ever made any recommendation to the Massachusetts Parole Board on any matter relating to a commutation for either Mr. Salvati or anyone else who

was convicted as a result in the Deegan murder case; is that correct?

Mr. RICO. That is correct.

Mr. DELAHUNT. You indicated that Steve Flemmi was your informant and you ran him as an informant until you left the Bureau?

Mr. RICO. I don't know the date. No, I think—no, I think that I ran him until he was indicted on—I think he was indicted on the bombing of John Fitzgerald's car, and I closed him then.

Mr. DELAHUNT. Let me ask you this. You closed him then but you introduced him to John Connolly, is that correct?

Mr. RICO. That is not correct.

Mr. DELAHUNT. That is not correct?

Mr. RICO. Right.

Mr. DELAHUNT. Did you participate in any way in encouraging, either directly or indirectly through Dennis Condon, Steven Flemmi to cooperate again with the FBI?

Mr. RICO. I think Dennis was the ultimate agent on with Stevie Flemmi. And I think when Stevie Flemmi was no longer under indictment I think Dennis may have handled him for a period of time.

Mr. DELAHUNT. OK. You're familiar that Frank Salemme—you're familiar with Frank Salemme?

Mr. RICO. Yes.

Mr. DELAHUNT. You know Frank Salemme was arrested in New York City?

Mr. RICO. Yes.

Mr. DELAHUNT. By John Connolly.

Mr. RICO. Yes.

Mr. DELAHUNT. Are you aware of the details of how Mr. Connolly developed that information?

Mr. RICO. I believe that Dennis Condon sent a photograph of Frankie Salemme to New York City through John Connolly because he thought he was there and that the New York agents weren't paying much attention to it.

Mr. DELAHUNT. But Steve Flemmi never provided any information relative to the whereabouts of Frank Salemme in New York City.

Mr. RICO. I think Frank—excuse me, I think Steve Flemmi was a fugitive at the same time so that he wasn't available to provide anyone with information.

Mr. DELAHUNT. So it was simply a coincidence?

Mr. RICO. Lucky is what I think.

Mr. DELAHUNT. You know, just for a minute touching on the Wheeler case, and we all have coincidences in our lives, but the witness you referred to, John Martorano, who has admitted killing Wheeler——

Mr. RICO. Right.

Mr. DELAHUNT [continuing]. Has testified under oath that he was instructed or contracted for the hit by Steve Flemmi and Whitey Bulger.

Mr. RICO. I understand that.

Mr. DELAHUNT. It's a coincidence that you were the handler for Steve Flemmi and that Steve Flemmi ordered the hit on Mr.

Wheeler, who was the CEO of a company that you were employed by.

Mr. RICO. Right.

Mr. DELAHUNT. That's just a coincidence.

Mr. RICO. You want to tie me into Bulger. I can tie myself into Bulger for you.

Mr. DELAHUNT. Go ahead.

Mr. RICO. Bulger.

Mr. DELAHUNT. Mr. Rico, I think I need full disclosure here because somebody will, I'm sure, discover that years and years ago I went to Saint Agatha's Parochial School with John Martorano.

Mr. RICO. I knew that.

Mr. DELAHUNT. I figured you did know that. So I really wanted to be forthcoming. And you should also know that John Martorano and I served mass together for Cardinal Cushing back in the eighth grade. So there are coincidences in life.

Mr. RICO. OK.

Mr. DELAHUNT. If you want to proceed, Mr. Rico.

Mr. RICO. The last time that Jimmy Bulger was arrested I arrested him. I arrested him for two bank robberies and he pled guilty to three bank robberies. And that's my Bulger experience.

Mr. DELAHUNT. Well, thank you for that information. We'll just conclude with a—to elicit a response from you to a statement that was made by your counsel that appeared in the Boston Herald dated January 10 of this year. "Rico cannot be blamed for men—referring to the innocent individuals that were convicted in the Deegan case." Those are my parentheses. That's not part of the quotation. It goes on. The former agent's attorney said yesterday orders laid down by then FBI Director J. Edgar Hoover kept information in the murder of Edward Deegan locked away in FBI files all these years, Cagney said. He was bound by the hierarchy, Cagney said. All that went to Rico supervisor—all that, rather, went to Rico supervisors and he can't release that without permission of his supervisors.

Is that your position as well?

Mr. RICO. I don't know where that came from. I hear what you're saying but it doesn't sound—I'm sorry, I have got a cold. But it doesn't sound like Cagney and it doesn't sound plausible to me.

Mr. DELAHUNT. Thank you.

Mr. DELAHUNT. I yield back.

Mr. BARR. I thank the gentleman. That concludes this hearing. Thank you, Mr. Rico.

Mr. RICO. Thank you. Am I dismissed?

Mr. BARR. Yes, sir.

Mr. RICO. Thank you.

[Whereupon, at 5:34 p.m., the committee was adjourned.]

[Exhibits used for the hearing record follow:]

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<Red Flag>

United States District Court,
D. Massachusetts.

UNITED STATES of America
v.
Francis P. SALEMME, et al.
United States of America
v.
John Martorano

Nos. Cr. 94-10287-MLW, Cr. 97-10009-MLW.

Sept. 15, 1999.
Clerical Corrections,
December 23, 1999.

Defendant, a longstanding FBI informant, filed a motion to dismiss an indictment charging him with multiple charges of racketeering and extortion, among other crimes based on an alleged agreement that he would not be prosecuted. Defendant, and a codefendant filed motions to suppress electronic surveillance evidence. The District Court, **Wolf,** J., held that: (1) defendant did not have either an express immunity agreement or an agreement implied in fact that he would not be prosecuted so as to be entitled to dismissal of charges; (2) defendant had an enforceable agreement that precluded the use and derivative use against him of any intercepted evidence; (3) hearing was necessary to determine whether case would be dismissed because defendant's due process rights were violated because intercepted evidence was presented to the grand juries that indicted defendant in violation of promises of confidentiality; (4) suppression of electronic surveillance evidence against codefendant was required for failure to make the full and complete statement concerning necessity required by statute; and (5) codefendant lacked standing to maintain seek suppression of

In doing so, the court has performed as juries are generally instructed with regard to determining credibility and finding the facts. *See, e.g., First Circuit Pattern Jury Instructions--Criminal* §§ 1.05, 1.06 (West 1998). The court has considered both the direct and circumstantial evidence. *Id.* § 1.05. In view of the substantial evidence that members of the FBI engaged in improper, if not illegal, conduct and thus had a motive to tailor, by omission or distortion, the written records that they reasonably expected would never be seen by others with the knowledge necessary to dispute their accuracy or completeness, at times circumstantial evidence has been particularly important in resolving issues of credibility and in finding the facts.

In judging the believability of witnesses, the court has applied the conventional criteria. *Id.* § 1.06. These include, importantly, the manner of the witness while testifying; whether the witness had a bias, prejudice, or other motive to lie; the consistency of the witness's testimony with his or her prior statements and other evidence; and the reasonableness of the witness's testimony when considered in the light of the credible other evidence. *Id.*

The court has also recognized that witnesses at times testify honestly and accurately about some matters, but not all matters. *Id.* Thus, in certain instances, the court has credited some but not all of a witness's testimony. For example, the court is persuaded that **Flemmi** testified truthfully in claiming that he was regularly tipped-off by the FBI regarding investigations and impending indictments. He was not, however, always candid in identifying the source of the information he received. Rather, he at times attributed information received from Connolly to other agents of the FBI in an evident effort to protect Connolly and to strengthen his own claim to an enforceable promise of immunity from prosecution.

Applying the foregoing principles, the court finds the following facts have been proven by a preponderance of the credible evidence. [FN27]

> FN27. Citations to the record are included for virtually all of the facts found. However, since this matter has required making many credibility determinations and drawing reasonable inferences from a great volume of evidence, it is not feasible to cite all of the evidence which the court has considered and assessed. The citations to the record that are included are intended to be helpful, but do not describe completely the evidence on which the court has relied in drawing inferences and finding facts.

176** 2. *Rico and* ***Flemmi

In the early 1960's, **Flemmi** began exchanging information with the FBI. Ex. 31, ¶ 3. In November 1965, FBI Special Agent H. Paul Rico

UNITED STATES GOVERNMENT

Memorandum

TO : SAC [redacted] F

DATE 10/19/64

☒ CI ☐ SI

☐ PCI ☐ PSI

FROM : SA H. PAUL RICO

SUBJECT: [redacted] b

Dates of Contact
10/18/64

Titles and File #s on which contacted
[redacted]

Purpose and results of contact

☐ NEGATIVE
☒ POSITIVE

Informant advised he got a telephone call from JAMES FLEMMI the previous evening and FLEMMI told him that he had been with EDWARD "TEDDY" DEEGAN and an individual referred to as "TONY" at the West End Social Club Saturday morning. Informant said that ANTHONY SACRIMONE's name came up in the conversation and that DEEGAN had said something concerning SACRIMONE, but FLEMMI could not recall what it was.

FLEMMI said that he definitely knows that DEEGAN, later that morning, murdered ANTHONY SACRIMONE and he was very concerned about leaving his prints in the car; that DEEGAN is going to lay low for a couple of weeks until he finds out what, if anything, the police have on him to tie him in to this murder.

FLEMMI told the informant that DEEGAN has been knocking him (the informant) in indicating to the Italian element that the informant was going to "hit" someone from the

☒ Informant certified that he has furnished all information obtained by him since last contact.	Rating	Coverage 92's
Personal Data [redacted] F	F	[redacted]

1- (Everett PD)
[redacted]
HPR:pob
(5)

ex 0

EXHIBIT 2

000747

[redacted] F

[redacted] -270

Coliseum Restaurant. FLEMMI told the informant this obviously was just an attempt to get the Italian element interested in eliminating the informant.

FLEMMI advised that DEEGAN owes FLEMMI's brother, STEVIE, some money, and that he told him once to get the money up. He has not gotten the money up, and FLEMMI wants to kill DEEGAN and wanted the informant to go with him on the "hit."

BM [redacted]

The information concerning DEEGAN perpetrating this killing was disseminated telephonically to Det. HENRY DOHERTY of the Everett, Mass. PD on 10/18/64.

Det. DOHERTY recontacted this office on 10/19/64 and advised that he believes the information concerning DEEGAN is correct but that they have been unable to come up with any fingerprints in the car that are identifiable and DEEGAN has taken off from his usual haunts.

FD-36

F B I

Date: 10/20/64

Transmit the following in _____
(Type in plain text or code)

Via AIRTEL _____
(Priority)

TO : DIRECTOR, FBI [redacted] F

FROM : SAC, BOSTON [redacted]

SUBJECT: [redacted] B.M

ReBosAirtel 10/15/64.

B.F

3 - Bureau
7 - Boston
[redacted] F
JFK:ner
(10)

FBI/DOJ

Rico
Shannon
Kenfer

Approved: _____ Sent ___ M Per 000749
Special Agent in Charge

F [redacted] - 2447

EXHIBIT
3

F.G.7

[redacted] F

m.B

PETER LIMONE stated that JIMMY FLEMMI is an individual whom they can't control. JIMMY came to his club recently and LIMONE asked him to leave because of the heat that was on FLEMMI at the time. FLEMMI denied any heat being on him from the police, but LIMONE insisted that he leave his, LIMONE's, club. [redacted] B.M

JIMMY also inquired about EDWARD DEEGAN, close associate of HAROLD HANNON, who was recently murdered. LIMONE told FLEMMI that DEEGAN does not come to the club. Immediately after FLEMMI left, he called DEEGAN and told him that FLEMMI was looking for him, allegedly for a $300.00 loan which DEEGAN owes FLEMMI. DEEGAN denied any such loan. Therefore, they were of the opinion that FLEMMI was out to kill DEEGAN.

m.B

7.B.M

U.S. Department of Justice

United States Attorney
District of Massachusetts

Main Reception: (617) 748-3100
United States Courthouse, Suite 9200
1 Courthouse Way
Boston, Massachusetts 02210

December 19, 2000

John Cavicchi, Esquire
Attorney at Law
25 Barnes Avenue
East Boston, MA 02128

RE: Disclosure of FBI Documents Relating to the
March 12, 1965 Murder of Edward "Teddy" Deegan

Dear Mr. Cavicchi:

This letter and its enclosures are being sent in response to your letter to me dated 11/16/2000, in which you asked that I provide "any information" that would assist you in responding to a Court Order in the matter of the Commonwealth of Massachusetts v. Peter Limone, Superior Court Crim. No. 32367, 69-70, which is pending before the Honorable Margaret R. Hinkle. As you explain, this Order requires you to file a Non-Live Witness Statement listing police reports, affidavits, transcripts and any other documents that you intend to rely upon in support of your motion for a new trial filed on behalf of your client, Peter Limone. I understand the matter being heard relates to your client's conviction for the 1965 murder of Edward "Teddy" Deegan and involves your motion for a new trial in that case.

In response to your request, FBI employees assigned to the Justice Task Force (JTF) initiated a review of Boston FBI informant, intelligence and investigative files that contain information that dates back to the 1950s and 1960s. JTF's search first determined that around the time Deegan was murdered, Vincent James Flemmi was an FBI informant. According to the file maintained in support of efforts to develop Flemmi as an informant, focus on Flemmi's potential as a source began on about 3/9/1965. The first reported contact with Flemmi was by FBI Boston Special Agent (SA) H. Paul Rico on 4/5/1965. The informant file was officially opened and assigned to SA Rico on 4/15/1965 and reflects that Flemmi was contacted a total of five times as an informant, each time by SA Rico. The dates of contact were 4/5/1965, 5/10/1965, 6/4/1965, 7/22/1965 and 7/27/1965. Flemmi's file was closed on 9/15/1965 after Flemmi was charged with a crime, unrelated to the Deegan murder.

Vincent James Flemmi's informant file was found to contain two documents that relate to the Deegan murder, one of which is a summary of information known by the Boston FBI about Flemmi's criminal activities at the time he was opened as an informant. This summary includes information previously reported to the FBI by other sources. The JTF attempted to review these other source files and any other intelligence files where their information may have been filed. Efforts have also been made to locate any investigative files that relate to the Deegan murder.

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

DIRECTOR, FBI 3/9/65

SAC, BOSTON [redacted]

VINCENT JAMES FLEMMI, aka
"Jimmy" Flemmi
[redacted]

Rebulet dated 9/10/63 and Boslet to Bureau dated 10/3/63 entitled, "TOP ECHELON CRIMINAL INFORMANT."

VINCENT JAMES FLEMMI, aka "JIMMY" FLEMMI, is being designated as a target in this program.

VINCENT JAMES FLEMMI is presently operating an after-hours drinking establishment and a blackjack game upstairs over Walsh's TV store, Dudley Street, Boston, according to [redacted] FLEMMI also is believed to be involved in the murders of the following individuals:

[redacted]

In addition, he and [redacted] were tried for the murder of a fellow inmate at the Massachusetts Correctional Institution, Walpole, Mass. He was acquitted of this crime.

VINCENT FLEMMI, according to [redacted] has been visiting RAYMOND L. S. PATRIARCA on a fairly frequent basis in the past two months.

It is known, through [redacted], that FLEMMI, although he now has a lucrative business, has lost considerable money gambling and his only hope of bailing out is to continue to operate this illegal after-hours establishment and card game. He therefore should be susceptible to pressure.

2-Bureau
2-Boston [redacted]
HPR: [redacted]

EXHIBIT 5
000752A

FD-209 (Rev. 2-1-63)

UNITED STATES GOVERNMENT

Memorandum

TO : SAC [redacted]

DATE: 3/15/65

FROM : SA H. PAUL RICO B,F

☒ CI ☐ SI ☐ PCI ☐ PSI

SUBJECT: [redacted]

Dates of Contact
3/10/65

Titles and File #s on which contacted
EDWARD F. DEEGAN
[redacted] F,M B

Purpose and results of contact

☐ NEGATIVE
☒ POSITIVE

Informant advised that he had just heard from "JIMMY" FLEMMI that FLEMMI told the informant that RAYMOND PATRIARCA has put out the word that EDWARD "TEDDY" DEEGAN is to be "hit" and that a dry run has already been made and that a close associate of DEEGAN's has agreed to set him up.

FLEMMI told the informant that the informant, for the next few evenings, should have a provable alibi in case he is suspected of killing DEEGAN. FLEMMI indicated to the informant that PATRIARCA put the word out on DEEGAN because DEEGAN evidently pulled a gun and threatened some people in the Ebb Tide restaurant, Revere, Mass.

☒ Informant certified that he has furnished all information obtained by him since last contact.

Rating

Coverage
9 2's

Personal Data
[redacted] F,B
1- (DEEGAN)

F [redacted] 26623

HPRtpo'b
(5)

0000 1

EXHIBIT 6

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F [redacted]-2597pg.2

Boston Airtel to Director, 3/10/65 entitled: [redacted]

B, M

F [redacted] advised on 3/3/65 that [redacted] contacted Patriarca and stated he had brought down VINCENT FLEMMI and another individual (who was later identified as Joe Barboza from East Boston, Mass.) It appeared that [redacted], Boston hoodlum, was giving orders to FLEMMI to "hit this guy and that guy".

B

Raymond Patriarca appeared infuriated at [redacted] giving such orders without his clearance and made arrangements to meet FLEMMI and Barboza in a garage shortly thereafter. He pointed out that he did not want FLEMMI or Barboza contacting him at his place of business.

F [redacted]-2597pg.5

Angiulo told Patriarca that VINCENT FLEMMI was with Joe Barboza when he, Barboza, killed [redacted] in Revere, Mass. several months ago. It appeared that [redacted], Boston hoodlum, had ordered the "hit". Patriarca again became enraged that [redacted] had the audacity to order a "hit" without Patriarca's knowledge.

B

Patriarca told Angiulo that he explained to FLEMMI that he was to tell [redacted] that no more killings were to take place unless he, Patriarca, cleared him.

Jerry explained that he also had a talk with FLEMMI. He pointed out that Patriarca has a high regard for FLEMMI but that he, Patriarca, thought that FLEMMI did not use sufficient common sense when it came to killing people.

Angiulo gave FLEMMI a lecture on killing people, pointing out that he should not kill people because he had an argument with him at any time. If an argument does ensue, he should leave and get word to Raymond Patriarca who, in turn, will either "OK" or deny the "hit" on this individual, depending on the circumstances.

M [redacted]

EXHIBIT 7

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F

[redacted] (Cont'd)

M [redacted]

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. B

[redacted]

F/B

Boston's Airtel to Director and SACS Albany, Buffalo, Miami 3/12/65 captioned: [redacted]

B [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] B

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.

M [redacted]

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F

[redacted] (Cont'd)

M [redacted]

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.

B

[redacted]

F/B

Boston's Airtel to Director and SACS Albany, Buffalo, Miami 3/12/65 captioned: [redacted]

B

[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]

B

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.

M [redacted]

000015

EXHIBIT 8

FD-36

F B I

Date: 3/12/65

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

Via AIRTEL REGISTERED MAIL
(Priority)

TO : DIRECTOR, FBI [redacted]
SACS ALBANY
BUFFALO
MIAMI

FROM: SAC, BOSTON [redacted] (P)

F

[redacted]

M.B

Rebosairtel, 3/10/65.

M.B

EXHIBIT
9

3-Bureau (RM)
2-Albany (RM)
2-Buffalo (RM)
2-Miami (RM)
1-Norfolk (Info)(RM)
2-Richmond ([redacted]
8-Boston ([redacted]
(1-

F.H.B

JPK:pob
(20)

P [redacted]

SAC
ASAC

000759

7. M. B

00076

[redacted]

JAMES FLEMMI and JOSEPH BARBOZA contacted PATRIARCA, and they explained that they are having a problem with TEDDY DEEGAN and desired to get the "OK" to kill him.

They told PATRIARCA that DEEGAN is looking for an excuse to "whack" BOBBY DONATI who is friendly with RICO SACRIMONE.

It should be noted that DEEGAN was the individual who killed RICO SACRIMONE's brother several months ago. Recently, DEEGAN, while intoxicated, walked in to the Ebb Tide Night Club, Revere, Mass., in which night club TAMELEO has an interest. He was accompanied by three or four individuals and created quite a disturbance with SACRIMONE and DONATI who were in the night club at the time.

At approximately 4:00 a.m., after DONATI returned home, a girl knocked at his door. He looked out the window, observed the girl but also observed a car with three or four individuals in it, and one of them was DEEGAN. He felt that DEEGAN was going to kill him that night, so he did not come out of the house.

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.

B.M

[redacted]

UNITED STATES GOVERNMENT

Memorandum

TO : SAC [redacted]

DATE: 3/15/65

FROM : SA H. PAULSRUD B, F

☒ CI ☐ SI

☐ PCI ☐ PSI

SUBJECT: [redacted]

Dates of Contact

3/13/65

Title and File #s on which contacted

EDWARD F. DEEGAN

[redacted] F, M B

Purpose and results of contact

☐ NEGATIVE

☐ POSITIVE

X

Informant advised that "JIMMY" FLEMMI contacted him and told him that the previous evening DEEGAN was lured to a finance company in Chelsea and that the door of the finance company had been left open by an employee of the company and that when they got to the door ROY FRENCH, who was setting DEEGAN up, shot DEEGAN, and JOSEPH ROMEO MARTIN and RONNIE CASESSA came out of the door and one of them fired into DEEGAN's body. While DEEGAN was approaching the doorway, he (FLEMMI) and JOE BARBOZA walked over towards a car driven by TONY "STATS" and they were going to kill "STATS" but "STATS" saw them coming and drove off before any shots were fired.

FLEMMI told informant that RONNIE CASESSA and ROMEO MARTIN wanted to prove to RAYMOND PATRIARCA they were capable individuals , and that is way they wanted to "hit" DEEGAN. FLEMMI indicated that they did an "awful sloppy job."

☐ Informant certified that he has furnished all information obtained by him since last contact.

Rating

Coverage 92's

F

Personal Data

[redacted] F, B

[redacted] (DEEGAN)

[redacted]

HPRspa'b

(5)

0000 2

[redacted] 2/6/24

FBI — F

Rippner

EXHIBIT

10

[redacted] F.B

This information has been disseminated by SA DONALD V. SHANNON to Capt. ROBERT RENFREW (NA) of the Chelsea, Mass. PD.

0000 3

Page # 1

Statement by Lieut.Thomas F.Evans Chelsea Police Department.

On March 12,1965 I received a call from the station that a man had been shot and was in the alley in the rear of the Lincoln National Bank.I received this call at 11:15P.M.

I arrived at the above location at approximately 11:30 P.M.In this alley at that time were Chief Burgin,Lieut.Fothergill,Sergt.Charles McHatton,Capt.Renfrew and Officer James O'Brien.There were about fifteen or twenty people standing about the sidewalks and street that were being kept away from the alley by other uniformed officers.

On eneering this alley a distance of thirty feet,I observed a man who I knew as Edward "Teddy" Deegan lying on his back with his feet in the direction of Fourth St.He was fully clothed with a suit and topcoat,white shirt but no tie.There were gloves on his hands.There was a 12"screwdriver with a black handle and red top on the ground about ten inches from his left hand.There was a fresh pool of blood by his left knee and blood appeared to be still oozing from the rear of his head.There were two metal clad doors ajacent to the body that lead into a office building at #375 Broadway.These doors are 4'8" X 6'3"in height.The alley is 203'long and 8'wide from the sidewalk on Fourth St.to approximately 105' into the alley where it then widens 9'6".There is a fire escape on the left side of the alley about 140' in from Fourth St.This escape is for the tenants at #387 Broadway.

Officer O'Brien told me that he was checking doors prior to making his 11 P.M.ring at Box #22(Broadway & Fourth Sts)and when he went into the above alley he observed a figure crouched over by the above mentioned doors on closer observation with his flash light he observed the blood.He then went to Box #22 and called for assistance O'Brien stated he had last tried these doors at 9 P.M.all was okay. At that time he had put the lights on in the alley.These lights are controlled by a switch that is located on the door casing on the last doorway on the left side of the alley.(Putting these lights on at dusk is the regular routine of the Officers that work route #12.) When O'Brien found the body the lights had been turned off and the door leading into the rear of 375 Broadway was open.

Lieut.Edward Fothergill gave me two complete metal jacket bullets with a right hand rifling twist,one smaller jacketed bullet with full metal jacket also four pieces of copper jacket and a piece of lead core that had been picked up in the alley. I later turned these over to Lieut.John F.Collins of State Police Firearms Identification.Lieut.Fothergill told me that they had to move Deegans bodyyfrom a crouched position to one lying flat on his back so that they could enter the open doorway and make search of the hallways of #375 Broadway.Nothing was found.

Shortly after I had arrived at the scene Attorney Alfred Farese accompanied by Anthony J.Stathopoules,he was allowed into the alley where he made identification of Deegan.He then was engaged in conversation with Chief Burgin and Capt. Renfrew.I was later informed by the Chief and Capt.that Farese had stated that he had received a telephone call from a former client that Deegan and Roy French were in trouble in Chelsea and had been arrested while doing a B & E.This client also told him that a policeman was to make arrangements to leave the door open.

EXHIBIT 11

As a result of having the above information given to me,I spoke to Farese and he repeated the story to me. I asked him if Stathopoulos was the former client of whom he spoke and he said no that he had

asked Stathopoulos to give him a ride to the Chelsea Police Station.He would not reveal the name of this party.

Dr.Meyer Kraft came to the scene and pronounced Deegan dead at 11:43 P.M. The Medical Examiners Office had been notified and Dr.Luongo came to the scene and viewed the body and removed same.

I had received information from Capt.Joseph Kozlowski that about 10 P.M.he had observed a red motor vehicle parked on Fourth St about 150' from the alley in question and there were three men in this car,two in front and one in the rear.He observed the first three digits of this plate as 404 but could see no other numbers as the plate had been bent over from right to left.As he went over to discuss the plate with the occupants the car pulled away from the curb and made a right turn on Broadway.

At approximately 12:30 A.M.on 3-13-65 with Capt.Renfrew, Det.Moore,Revere detectives and myself we went to the Ebb Tide on the Revere Beach Boulevard and made observations of a red,1963 Olds.Conv.Mass.Reg.404-795 that was registered to Joseph Martin of 19 Fleet St.No.End Boston.The plate on the rear of this vehicle was creased down the middle.We went into the cafe and told Wilfred Roy French that were were placing him under arrest for S.P.of a Felony-Murder and that were would be taking him to the Chelsea Police Station.I then requested Martin to bring his car to the station and he agreed to do so.Franis Imbuglia went along with Martin in Martin's car. On arriving at the station I had French taken up to the detective bureau and Martin and Imbuglia waited down stairs in the Seargeants room.With Capt.Renfrew I had Capt. Kozlowski view Martin's car that was parked in front of the station. He stated that the car looked like the one that he had seen earlier in the evening on Fourth St.but that he could not say it was the car.We then went into the Seargeants room to talk with Martin but both he and Imbuglia said they had nothing to say and that if it was not a pinch that they were going to leave. They then left the station.Capt.Kozlowski could not recognize these men.

I them went up to the detective bureau with Capt.Renfrew where I informed French of his rights.He said that he would have nothing to say until he spoke to his lawyer.At about 1:45 A.M. his Attorney,John Fitzgerald of Farese's office,arrived and had a conversation with French.French then gave us the information necessary for the booking card.In reply to a question of his occupation he stated that he was employed as a Maitre De at the Ebb Tide at a salary of $100.00 weekly.Asked as to what time he had gone to work on the evening of 3-12-65 he said that he had gone to work about 8 P.M. and had been there until we had taken him from there. At this point French refused to answer any more questions.I had Capt.Kozlowski look at French but he could not recognize him as being ~~being~~ in the car that he had observed earlier. I then observed what appeared to be bloodstains on the right sleeve of French's coat and also on his right shoe.It appeared that a attempt had been made to remove these stains by rubbing them. I had Capt.Renfrew view these objects.I then asked French how he had this blood on the coat and shoes.French said that while working at the Ebb Tide on 3-12-65 that there had been two different fights and that while breaking them up he had got blood on his clothes.A later check with one Joseph Errico of 37 Atwood St.Revere,a reserve police officer

of the Revere Police Department,reveals that Errico had been working on Friday and Saturday nights at the Ebb Tide for the past month.He goes to work at 9:15 P.M. until 1:30 A.M. He stated while working on 3-12-65 that some unknown fellow had been bothering a girl and that a other unknown party had punched this fellow cutting him about the eye and causing him to bleed profusely.States that because of the numbers of people in the Cafe that he could not say if French had left the place or not.He could not remember what time that this fight had occured.Also employed as a special police officer at this cafe is one Richard Currie of 39 Agawam St.Revere from whom we received no information.

French was allowed to sign a release waiver and leave the station with his attorney John Fitzgerald.

On the morning of 3-13-65,by arrangement,I had Attornies Farese,Fitzgerald and Anthony Stahopoulos come to the detective bureau where I again asked Farese to repeat his story of the previous evening relative to his exclient calling him to tell him of Deegan and French having been arrested by the Chelsea Police.He repeated the same story.I asked if this caller was at present a client of his and he said no.I asked for the name of his informant and he refused to name him.I asked if the name of the police officer who was alleged to have left the door open was known to him and he said no.

Stahopoulos refused to answer questions on advice of his attorney.

Attorney Fitzgerald informed me that he had received a telephone call from Deegan at 8:15 P.M.on 3-12-65 and that he could hear music in the background.I asked Fitzgeral the reason for the call and he told me that Deegan called him every night to let him know that he (Deegan) was okay.

I received information from Capt.Renfrew that a informant of his had contacted him and told him that French had received a telephone call at the Ebb Tide at 9 P.M. on 3-12-65 and after a short conversation he had left the cafe with the following men; Joseph Barboza,Ronald Cassesso,Vincent Flemmi,Francis Imbuglia, Romeo Martin,Nicky Femia and a man by the name of Freddi who is about 40 years old and said to be a "Strongarm".They are said to have returned at about 11:P.M. and Martin was alleged to have said to French,"We nailed him".

Information received from a Mr.John T.Asten a tenant in apartment #8 at #387 Broadway. Asten states that at 9:30 P.M. on 3-12-65 he heard five sharp cracks and went out onto the fire escape which leads into the alley in question and that the lights were out in the alley and he could see or hear nothing.

I spoke with Vito Pagliarulo,age 55,of 98 Carroll St. Chelsea who is employed as a janitor at 375 Broadway and he informed me that he had left work on 3-12-65 at 3P.M. and he did not know if the rear door had been locked at this time or not.

EDMUND L. MCHAHARA
POLICE COMMISSIONER

City of Boston 2
Police Department

BUREAU OF INSPECTIONAL SERVICES
INTELLIGENCE DIVISION

Report of Information Received

BY TELEPHONE _____ CONTROL NUMBER _____

WRITTEN COMMUNICATION _____ TIME _____

IN PERSON _____ DATE March 14, 1965

SOURCE OF INFORMATION Informant

SUBJECT Murder Of Teddy Deegan in Chelsea on March 12th

LOCATION _____

DETAILS: From a reliable informant the following facts were obtaine
to the above murder: Informant states that the following men were
Joseph Barrent aka Barboza, Romeo Martin, Freddie Chiampi, Roy Fren
Ronnie Cassesse, Tony Stats. (Greek) Chico Amico, Informant stat
Roy French and Tony Strats. were suppose to lure Deegan to some-
on the pretext of doing a B&E and the other men were to be waiti
the area to kill him, Informant states that they were over-
lounge in Revere when they received the call from French that ev
was O K then they all left together. After the Killing Romeo Mar
upset because somebody he thought took the number of his car aft
killing. Romeo Martin was a former informant but since hanging
North End hasn't been to helpful. I then talked to Martin and tol
the Police were looking for him in the hope that he would give so

REMARKS _____

REFERRED TO _____

RECEIVED BY _____

000436

Informant states that the reason for the killing of Deegan was that Barren claims that he is with the Hughes brothers and McLaughlins and he felt he Deegan was a threat to his friends in Roxbury(Flemmi & Bennett).

Department of Public Safety

1010 Commonwealth Avenue, Boston 02215
March 15, 1965

VE BUREAU

o: Captain of Detectives Daniel I. Murphy
rom: Det. Lieut. Inspector Richard J. Cass

ubject: Homicide of Edward C. "Ted" Deegan

1. On Saturday, March 13, 1965, I went to the Chelsea Police Department to aid in the investigation re the death of Edward C. "Ted" Deegan, dob 1/2/30, of 17 Madison Street, Malden, in accordance with your instructions.

2. Officer James O'Brien, the routeman, stated that about 10:50 P.M. on Friday, March 12, 1965, while checking the doors on his route, he entered the alley in the rear of the Goldberg Building at 375 Broadway and found a body, later identified as Deegan, in a pool of blood in front of the open rear door of the building. He was apparently dead and was in a crouched position in front of the doorstoop. A screw driver was lying on the ground near the body. He notified the station. Dr. Kraft arrived at the scene and pronounced Deegan dead. The body was removed by the Medical Examiner, Dr. Luongo, to the Southern Mortuary. Officer O'Brien stated that at about 9:00 P.M. he had checked the alley and put the overhead light on before continuing his rounds. When he returned at about 10:59 P.M. the light was out and he entered the alley to make a check and discovered the body.

3. The Chelsea Police brought to the station one Anthony J. Stathopoulos, dob 9/22/34, medium complexion, 5'9", 165, brown hair and eyes of 17 Madison Street, Malden, and one Wilfred Roy French, dob 3/13/29, medium complexion, 6', 210, blue eyes, brown hair, of 31 Pleasant Street, Everett. Both subjects were released after questioning. Information was received by this officer that when French had been questioned there were spots on his trousers that appeared to be blood and an attempt had been made to wash it off. Lt. Evans of the Chelsea police stated he questioned French relative to the spots and French claimed that it was blood that came from a fellow who had a fight at the Ebbtide in Revere.

4. Israel Goldberg, owner of the building, was questioned and he said he left the building between 3 and 4 PM.

5. Vito Pagliarielo of 90 Carroll Street, Chelsea, custodian of the building, stated that he checked the rear door about 2:00 P.M. on Friday and it was locked. This door was a double door with slide locks on the top and bottom that had to be released by hand from the inside.

6. Attorneys John Fitzgerald and Alfred Farese were interviewed. Mr. Fitzgerald stated that he received a call from Deegan about 8:45 P.M. on Friday and that he received calls from Deegan every day.

7. Mr. Farese stated that about 10:15 P.M. on Friday he received a call from a client, whom he refused to identify, and the client stated that he heard Deegan had been in a gun fight with the police. Mr. Farese called the police station seeking to verify the information but the police knew nothing about it. Mr. Farese claimed that he called Stathopoulos who came over and rode him to the police station at about 11:05 PM. Upon their arrival, they were informed that Deegan was dead. They went to the scene of the crime and then returned to the police station where Stathopoulos was questioned by Lt. Evans and Capt. Renfrew and released.

8. During the investivation, information was received by this officer that Deegan, French and Stathopoulos had planned to break into the Beneficial Finance Company on the second floor of the Goldberg Building and that the rear door was to be left open for them.

9. During the eveing of Friday, March 12th, French was at the Ebbtide, 302 Boulevard, Revere, with Joseph Barboza aka Baron, Francis Imbuglia, Ronald Cassesa, Vincent "Jimmy" Flemmi, Romeo Martin, Nick Femia and a man known as "Freddy" who is a strong arm man. All the above men have criminal records. About 9:00 P.M., French received a phone call and the above group left the place with him.

10. About 9:30 P.M., Captain Joseph Kozlowski of the Chelsea Police was in the vicinity of Fourth Street about a half block from the scene of the crime and saw a red car with the motor running and three men sitting in it. Two men were in the front seat and one in the rear. The car was parked at the second meter from Broadway, on Fourt Street, between Broadway and Luther Place on the side near the Polish American Veterans Club. The Captain walked behind the car and noticed the rear number plate with the right half of the plate folded towards the center obstructing the last three digits. The first three numbers were 404---. He went to the drivers side of the car and rapped on the window notioning the driver to lower the window. The driver took off at a fast rate of speed and took a screeching turn to the right on Broadway. The Captain described the driver as Romeo Martin and the man in the back seat as stocky with dark hair and a bald spot in the center of the head.

11. Further information was received that about three weeks prior Deegan had pulled a gun on Barboza, aka Baron, at the Ebbtide and forced him to back down and that this was the cause of Deegan's death.

12. Unconfirmed information was received that Romeo Martin and Ronald Cassesa had entered the building and were waiting just inside the rear door. Stathopoulos was waiting on Fourth Street in a car and French and Deegan entered the alley. Deegan opened the rear door. He was shot twice in the back of the head and also in the body. The information at the time was that three guns were used. Lt. John Collins of Ballistics confirmed the report of three guns being used at a later time. Two men approached the car in which Stathopoulos was waiting and he took off.

13. A canvas of the neighborhood was made and Mrs. Grace Luciano of 12 Fourth Street, 2nd floor, and her daughter, Camille, both stated that about 10 P.M. or earlier they heard about 5 shots and they looked out the window on Division St., and saw two cars both racing their motors. One was a new black sedan and the other an old green sedan, make unknown. She saw a man running up the middle of Fourth St., toward Hawthorne about 5' 8", heavy build, dark hair, no hat, dark olive pants, brown waist coat. The account of the two cars was verified as a disabled car and a car that came to help him.

14. Information was also received that Martin's car had left the Ebbtide at 9:00 PM and had returned about an hour later and parked in a different place on its return.

Richard J. Cass
Detective Lieut. Inspector
Massachusetts State Police

Feb 14 '01 17:23 P.01

FBI

Date: 3/16/65

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

Via Airtel _____ (Priority)

To: SAC, Boston [redacted] F

From: Director, FBI [redacted] F

RAYMOND L. S. PATRIARCA, aka.
AR

Re Boston airtel 3/12/65.

At the earliest possible time that dissemination can be made with full security to [redacted], you should advise appropriate authorities of the identities of the possible perpetrators of the murders of Sacrimone and Deegan. Advise the Bureau when this has been done. B

[redacted] F

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
MAR 17 1965

[redacted] P

Sent Via _____ M Per _____

EXHIBIT
14

3/19/65

AIRTEL

TO : DIRECTOR, FBI [redacted] F

FROM: SAC, BOSTON [redacted] P

CRIMINAL INTELLIGENCE PROGRAM
BOSTON DIVISION

The following are the developments during the current week:

On 3/12/65, EDWARD "TEDDY" DEEGAN was found killed in an alleyway in Chelsea, Mass. in gangland fashion.

Informants report that RONALD CASESSA, ROMEO MARTIN, VINCENT JAMES FLEMMI, and JOSEPH BARBOZA, prominent local hoodlums, were responsible for the killing. They accomplished this by having ROY FRENCH, another Boston hoodlum, set DEEGAN up in a proposed "breaking & entering" in Chelsea, Mass. FRENCH apparently walked in behind DEEGAN when they were gaining entrance to the building and fired the first shot hitting DEEGAN in the back of the head. CASESSA and MARTIN immediately thereafter shot DEEGAN from the front.

ANTHONY STATHOPOULOS was also in on the burglary but had remained outside in the car.

3-Bureau
1-Boston

JFK:pos'b
(4)

SEARCHED ____
SERIALIZED 0
INDEXED ____
FILED 0

F [redacted] -1820

0000 4

EXHIBIT
15

[redacted] F

When FLEMMI and BARBOZA walked over to STATHOPOULOS's car, STATHOPOULOS thought it was the law and took off. FLEMMI and BARBOZA were going to kill STATHOPOULOS also. "OK."

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 necessary information to prosecute the persons responsible.

It should be noted that this information was furnished to the Chelsea PD and it has been established by the Chelsea Police that ROY FRENCH, BARBOZA, FLEMMI, CASESSA, and MARTIN were all together at the Ebb Tide night club in Revere, Mass. and they all left at approximately 9 o'clock and returned 45 minutes later.

It should be noted that the killing took place at approximately 9:30 p.m., Friday, 3/12/65.

[redacted]

[redacted] B

Informant also advised that [redacted] had given the "OK" to JOE BARBOZA and "JIMMY" FLEMMI to kill [redacted] who was killed approximately one month ago.

Page 3 of serial 1870 is being deleted in its entirety for codes: F, B.

FD-209 (Rev. 2-1-63)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-104

UNITED STATES GOVERNMENT

Memorandum

TO : SAC BOSTON [redacted]

DATE: 4/6/65

FROM : SA [redacted]

☐ CI ☐ SI
☒ PCI ☐ PSI

SUBJECT: [redacted]

Dates of Contact: 3/23/65	
Titles and File #s on which contacted	
[redacted]	91-1689
CRIMINAL INTELLIGENCE	94-536
CONTROL FILE FOR TOP HOODLUMS	[redacted]
[redacted]	88-3042
RAYMOND L. S. PATRIARCA, AR	92-118
COSA NOSTRA	92-605

Purpose and results of contact

☐ NEGATIVE
☒ POSITIVE

On 3/23/65, PCI advised that JOE BARBOSA who is from East Boston and an ex-fighter, was very friendly with ROMEO MARTIN, RONNIE CASSESSI and [redacted] PCI stated that BARBOSA was supposed "to have hit" FRANCIONE from Revere and EATON. He stated that BARBOSA reportedly killed EATON with a Magnum gun. PCI stated that BARBOSA was in prison with BENJAMIN who was murdered after he left prison and beheaded.

He stated that BARBOSA is a Portuguese kid who would otherwise be accepted into the Cosa Nostra except for his nationality. He stated that BARBOSA claims that he had shot TEDDY DEEGAN with a .45 caliber gun.

PCI related that BARBOSA indicated that ROY FRENCH was with DEEGAN and another individual when DEEGAN was shot by BARBOSA and two other individuals, one of whom informant believed was ROMEO MARTIN.

☐ Informant certified that he has furnished all information obtained by him since last contact.	Reliability: Very good	Coverage: Criminal
Personal Data		

1 - [redacted]
1 - 91-1689
1 - 94-536
1 - [redacted]

1 - 88-3042
1 - 92-118
1 - 92-605

RFB:rss

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
APR 7 1965
FBI — BOSTON

EXHIBIT
16

000768

[redacted]

Informant stated that he had heard BARBOSA indicate that one of the guys with DEEGAN whom they had planned to kill along with DEEGAN ran off when the law showed up and fled.

PCI stated that rumors have it that ROY FRENCH actually set up DEEGAN to be killed.

PCI stated that he had heard that JOE BARBOSA was extremely friendly with JIMMY FLEMMA from Dudley Street. He stated that BARBOSA had tried to reach JIMMY FLEMMA a short time ago and wanted to know if FLEMMA had gone to Providence to see RAYMOND (PATRIARCA).

PCI subsequently determined from a source that JIMMY FLEMMA had gone to Providence, R.I. earlier on the day that BARBOSA had tried to contact FLEMMA.

PCI stated that JIMMY FLEMMA had gone to Providence just before TEDDY DEEGAN was slain in Chelsea.

M B

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, BOSTON [redacted] F

DATE: April 22, 1965

FROM : [redacted], Correlator

ATTN: SA H. PAUL RICO

SUBJECT: VINCENT JAMES FLEMMI, Aka.

AKA: "Jimmy" Flemmi, "Jimmy" Flemma, James Flemmi, James Vincent Flemmi, Jim Flemmi, Jimmie Flemmi, Vincent Flemmi, Vincent J. Flemmi, Vincent John Flemmi, Vincent M. Flemmi, Vincent Michael Flemmi, James J. Romano, James Flemi, Jimmy Flemi, Fred Napolitano, Fred C. Napolitano

DOB'S: 9/5/32 (not verified, Boston, Mass. 9/5/33, 9/5/34, 9/5/35, Boston, Massachusetts and Roxbury, Mass.

FBI#: 738391 B

This correlation memo consists of a review of all references included on the attached FD-160, in accordance with the instructions of the SAC, Boston.

The following references were reviewed and found to be identical with captioned subject.

[redacted] F

H [redacted]

D.M [redacted]

EXHIBIT 17

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
APR 22 1965
FBI — BOSTON

0000 7

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

SUBJECT: VINCENT JAMES FLEMMI, Aka.

[redacted]781 pg.2 F

[redacted] memo to SAC, Boston dated 10/6/64 captioned: [redacted]

B,M

On 9/28/64, [redacted] stated that while he was operating in the Boston area, he was most closely associated with [redacted]. He stated that [redacted]s primary operation in a loan shark business and that he employed both JIMMY and STEVE FLEMI as his enforcers. [redacted]

M

[redacted]-816 F

Boston airtel to Director, FBI dated 10/23/64 captioned [redacted]

M,B

B

[redacted] advised that Peter Limone had mentioned to Raymond Patriarca that Jimmy FLEMMI is the type of individual who is difficult to control and when FLEMMI visited his club, the West End Veterans Club recently Limone asked FLEMMI to leave because of the heat that was on FLEMMI at that time. FLEMMI denied that any heat was on him and at that time FLEMMI inquired about Edward Deegan, close associate of [redacted]. Limone told FLEMMI that Deegan does not visit the club and immediately after FLEMMI departed Limone telephonically contacted Deegan and told him that FLEMMI was looking for him allegedly for a $300 loan which FLEMMI claimed Deegan owed to him. Deegan denied that he owed such a loan and Limone and Deegan were of the opinion that FLEMMI was out to kill Deegan.

B

F [redacted]-797

Boston airtel to Director, FBI dated 10/19/64 captioned [redacted]

M,B

B

[redacted] advised that he received a telephone call from JAMES FLEMMI, on 10/18/64, who told him that he had been with Edward "Teddy" Deegan and Tony (LNU) at the West End Social Club during the early morning hours of 10/17/64. Informant stated the name of [redacted] was mentioned in a conversation but FLEMMI stated he could not recall what was said. FLEMMI stated that he definitely knows that Deegan, after leaving the West End Social Club, murdered [redacted] and he was concerned about leaving his fingerprints in the car in which [redacted] was murdered.

B

B

SUBJECT: VINCENT JAMES FLEMMI, Aka.

F, M

[redacted] (Cont'd)

Deegan told FLEMMI that he intends to remain in hiding for a few weeks in order to avoid being questioned by police.

FLEMMI told the informant that Deegan told him that [redacted] was going to hit one of the members of the Boston Italian group at the Coliseum Restaurant. FLEMMI told informant that his was obviously an attempt to get the Italian element in Boston interested in eliminating [redacted] B

FLEMMI told informant that he wants to kill Deegan. Information relating to Deegan's participating in the killing of [redacted] was furnished to the Everett, Mass., Police Department on 10/18/64. [redacted] mentioned as [redacted] B

[redacted] F, M, B

Boston airtel to Director, FBI 10/15/64 captioned: [redacted]

M [redacted]

told the informant that [redacted] had offered to help FLEMMI and his brother to "whack out" an individual with whom the FLEMMI'S were having trouble at [redacted] Cafe in [redacted] provided the FLEMMI'S would first join him in "hitting" [redacted] B

[redacted] F, B

Memo of H. Paul Rico to SAC, Boston 10/8/64 and captioned: [redacted]

M [redacted]

-3-

SUBJECT: VINCENT JAMES FLEMMI, AKA.

F

[redacted] (Cont'd)

M [redacted]

Informant advised 10/5/64, that he is friendly with the FLEMMI's, but VINCENT FLEMMI is an extremely dangerous individual. For example, he said that approximately Monday night, 9/28/64, VINCENT FLEMMI came into [redacted] bar room and immediately engaged [redacted] in a fight. During the fight FLEMMI took something out of his pocket and threw it into [redacted] eyes and then knocked him unconscious. [redacted] has not regained his sight since this episode and is under a doctor's care. Informant also advised that he suspects that FLEMMI had committed several murders, but he did not wish to discuss them.

B

Informant advised that [redacted]

M [redacted] and "JIMMY" FLEMMI wanted to be considered the "best hit men" in the area.

Informant advised also that he has had no unfavorable reaction over [redacted] arrest from either FLEMMI or from Romeo Martin.

B

[redacted] B.F

Memo of H. Paul Rico 10/8/64 to SAC, Boston entitled: [redacted]

M [redacted]

Informant advised he again met with [redacted] at approximately noontime on 10/6/64, and [redacted]

M

At this time [redacted] offered to help VINCENT FLEMMI and his brother "wheck out" an individual that the FLEMMI's were having trouble with in [redacted] Cafe in [redacted] if the FLEMMI's would first join him in "wheeking out [redacted]

B

000010

SUBJECT: VINCENT JAMES FLEMMI, Aka.

[redacted] F

Taken from 1A Exhibit Volume.

This is a double photo of subject, VINCENT J. FLEMMI, consisting of a front view and a side view of subject and the following information appears on the back of this photo:

FBI#:	738391 B		
MBI#:	140628		
DATE OF PHOTO:	1956		
NAME:	VINCENT J. FLEMMI		
ADD:	20 Glenarm St., Dorchester		
DOB:	9/5/35	PLACE:	Boston
HEIGHT:	5' 9"	WEIGHT:	200
HAIR:	Brown	EYES:	Hazel
COMPLEXION:	Light		
BUILD:	Stocky		
OCCUPATION:	Laborer		

[redacted] F, B [redacted]

B

M [redacted]

[redacted] F, B M [redacted]

DIRECTOR, FBI [redacted] 6/9/65

SAC, BOSTON [redacted] F

BS 919-PC

[redacted]

Rebulet to Boston dated 6/4/65.

The following are the efforts to effect the development of the above-captioned target:

F [redacted]

M [redacted]

M [redacted]

On 5/10/65, BS 919-PC was contacted on [redacted]

F Informant advised that on the evening of 5/3/65 he left his home at approximately 10:30 p.m. He was going to meet with JOSEPH BARBOZA. As he approached his car two individuals stepped out of the bushes and fired at him with a shotgun. Informant said that he turned around as he fell and both of them were running with handkerchiefs to their faces.

2-Bureau
1-Boston
HPR:pob
(3)

000024

EXHIBIT
18

B.F. [redacted]

It is known through other informants and sources of this office that this individual has been in contact with RAYMOND L. S. PATRIARCA and other members of La Cosa Nostra in this area, and potentially could be an excellent informant.

Concerning the informant's emotional stability, the Agent handling the informant believes, from information obtained from other informants and sources, that HS 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.

R

Some of the information provided by the informant has been corroborated by other sources and informants of this office. Although the informant will be difficult to contact once he is released from the hospital because he feels that [redacted] will try to kill him, the informant's potential outweighs the risk involved.

R

MAY 1962 EDITION
GSA GEN. REG. NO. 27
UNITED STATES GOVERNMENT

Memorandum

TO : SAC, BOSTON Attn: SA D. V. Shannon DATE: June 14, 1965

FROM : Helen Hatch, Correlator

SUBJECT: JOSEPH BARBOZA, JR., Aka.
Joseph Barboza, Joe Barron,
Joe Barbosa, Joe Barboza,
Joe Barbozza

ADD: 216 Revere Beach Parkway,
Apt. 24, Revere, Mass.

This correlation memo consists of a review of all the references indicated on the attached FD-160, in accordance with the instructions of SAC, Boston.

The following references were reviewed and determined to be identical with the captioned individual.

F. 711. B

000776

F

SERIALIZED FILED
JUN 14 1965
FBI — BOSTON

(See Serial 85 p.13 of
Index cards consolidated
6/14/65 HH)

Shannon

Rico
3/20/67

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

EXHIBIT
19

Pages 2 through 4 of serial 1 are being deleted in their entirety for code: F, B, M.

SUBJECT: JOSEPH BARBOZA, Aka.

M.B

[redacted] 2597 p.2

F.M.B

On 3/4/65, UNMAN contacted Patriarca and stated he had brought down Vincent Flemmi and another individual (who was later identified as JOE BARBOZA from East Boston, Mass.) It appeared that Frank Smith, Boston hoodlum, was giving orders to Vincent Flemmi to "hit this guy and that guy."

SUBJECT: JOSEPH BARBOZA, Aka.

[redacted]2597 p.2 (Cont'd) F

Raymond Patriarca appeared infuriated at Frank Smith giving such orders without his clearance and made arrangements to meet Flemmi and BARBOZA in a garage shortly thereafter. He pointed out that he did not want FLEMMI or BARBOZA contacting him at his place of business.

p.5 B

Gennaro J. Angiulo contacted Patriarca [redacted] Angiulo told Patriarca that Vincent Flemmi was with JOE BARBOZA when he, BARBOZA, killed Jackie Francione in Revere, Mass. several months ago. It appeared that Frank Smith, Boston hoodlum, had ordered the "hit". Patriarca again became enraged that Smith had the audacity to order a "hit" without Raymond's knowledge.

[redacted]2600 p.3

F.M

[redacted]

[redacted]3/9/65 that James Flemmi and JOSEPH BARBOZA contacted Patriarca, and they explained that they were having a problem with Teddy Deegan and desired to get the "OK" to kill him.

They told Patriarca that Deegan is looking for an excuse to "whack" Bobby Donati who is friendly with Rico Sacrimone.

It is noted that Deegan was the individual who killed Rico Sacrimone's brother several months ago. Flemmi stated that Deegan is an arrogant, nasty sneak and should be killed.

Patriarca instructed them to obtain more information relative to Deegan and then to contact Jerry Angiulo at Boston who would furnish them a decision.

F.M

SUBJECT: JOSEPH BARBOZA, Aka.

F.M.B

A lengthy discussion took place wherein Joe Lombardo was very perturbed because Cassessa and JOSEPH BARBOZA were associating with the Flemmi brothers; and further, that information had been put out to the effect that BARBOZA was with Flemmi when they killed Edward Deegan.

M.F.B

SUBJECT: JOSEPH BARBOZA, Aka.

F.M.B

SUBJECT: JOSEPH BARBOZA, Aks.

F.B.M

[redacted]76 p.2

Memo of SA Donald V. Shannon [redacted]
captioned: [redacted]

B

[redacted] 3/10/65 he had learned that Frankie Smith, JOE BARBOZZA, Ronny Cassessa and Jimmy Flemmi had been down to see Raymond Patriarca [redacted] He said also that Cassessa and Jimmy Flemmi together with BARBOZZA had been to see Patriarca [redacted]

F.B.M

000782

[redacted]

SUBJECT: JOSEPH BARBOZA, Aka.

b.7n

F

[redacted]-16 pg.2

Memo of [redacted]
captioned: [redacted]

b.7n

He stated that BARBOSA is a Portuguese kid who would otherwise be accepted into the Cosa Nostra except for his nationality. He stated that BARBOSA claims that he had shot Teddy Deegan with a .45 caliber gun.

PCI related that BARBOSA indicated that Roy French was with Deegan and another individual when Deegan was shot by BARBOSA and two other individuals, one of whom informant believed was Romeo Martin.

[redacted] BARBOSA indicate that one of the guys with Deegan whom they had planned to kill along with Deegan ran off when the law showed up and fled.

PCI stated that he had heard that JOE BARBOSA was extremely friendly with Jimmy Flemmi from Dudley Street. He stated that BARBOSA had tried to reach Jimmy Flemmi a short time ago and wanted to know if Flemmi had gone to Providence to see Raymond (Patriarca).

[redacted] Jimmy Flemmi had gone to Providence, R. I., earlier on the day that BARBOSA had tried to contact Flemmi.

000783

[redacted]

SUBJECT: JOSEPH BARBOZA, Aka.

β

[redacted]-17 pg.2

Memo of [redacted]
captioned: [redacted]

B.M

PCI stated that Jimmy Flemmi is quite boastful about going to Providence and meeting with Raymond Patriarca and has heard that he has mentioned about seeing "The Boss" when talking with JOE BARBOSA and Ronnie Cassessi.

[redacted]18 pg.1,2

May 3, 1965.

B.F.M

PCI indicated that JOSEPH BARBOZA had remarked that Flemmi was a very close friend of his and appeared to be quite upset over the Flemmi shooting.

000784

Sent By: Anthony Cardinale Esq.; 617 345 0900; Apr-27-01 14:25; Page 1/1

EXHIBIT 20 1/9/98

DIRECTOR, FBI 11/3/65

SAC, BOSTON [redacted]

[redacted]

STEPHEN JOSEPH FLEMMI, FBI [redacted] being designated as a target in this program.

It was ascertained through contact with the now deceased [redacted] that STEVIE FLEMMI was actively involved in the gangland war that continues in the Boston area between what remains of the MC LAUGHLIN gang and members of the East Boston gang by JOSEPH BARBOZA, the Dearborn Square group led by STEVIE FLEMMI, TOMMY CALLAHAN's gang led by top hoodlum THOMAS CALLAHAN, and the Somerville gang now led by HOWARD WINTERS.

Although the LCN in this area has not actively taken part in this gang war, there is every possibility that they may move into the picture in the near future and since FLEMMI is in contact with the leaders of the different groups that are against the remaining MC LAUGHLIN faction, and that all these groups are very aware of the possibility of LCN moving in to support the MC LAUGHLIN group, it is felt that FLEMMI will be in a position to furnish information on LCN members in this area.

FLEMMI, when contacted on 11/1/65, advised in the "strictest confidence" that he believes that LARRY RAIONE, LCN member in this area, will eventually show his hand and openly support STEVIE HUGHES, the recognized leader of the remaining MC LAUGHLIN group. FLEMMI advised that he [redacted]

[redacted]

TPkspo'b
(3)

EXHIBIT 20

-13

[redacted]

[redacted]

that LARRY BAIONE and STEVIE HUGHES were very close to each other when both were incarcerated at Massachusetts State Prison and that BAIONE, in his opinion, is an extremely treacherous and dangerous individual and that he believes that BAIONE would act against PATRIARCA's instructions if he thought such acts would benefit him.

FLEMMI further advised that he believes that the murder of JAMES J. "BUDDY" MC LEAN was perpetrated by STEVIE HUGHES and that he believes the getaway car used was driven by MAXIE SHACKELFORD.

Informant advised that he based this on the fact that HUGHES is the only one in the group that has the courage to go in to the Winter Hill section of Somerville, Mass., where the murder took place and that the getaway car would have to be driven by either MAXIE SHACKELFORD or FRANCIS X. "GAGA" MURRAY and that MURRAY was home the day after the murder, and if MURRAY had been involved in the murder he would have taken off out of this area.

FLEMMI advised that he realizes that he is the prime target for an execution by the MC LAUGHLIN group and that he, therefore, does not live at home. He advised that when contacts are necessary that he can be called at the Mount Pleasant Realty, GArrison 7-8760, or evenings at AVenue 2-8269 or 963-4869. He said a message could be left to have him "Call JACK from South Boston," and he will then contact the Agent telephonically at the FBI office where a meet can be arranged.

This individual appears to be emotionally stable and if he survives the gang war he would be a very influential individual in the Boston criminal element.

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<Red Flag>

United States District Court,
D. Massachusetts.

UNITED STATES of America
v.
Francis P. SALEMME, et al.
United States of America
v.
John Martorano

Nos. Cr. 94-10287-MLW, Cr. 97-10009-MLW.

Sept. 15, 1999.
Clerical Corrections,
December 23, 1999.

Defendant, a longstanding FBI informant, filed a motion to dismiss an indictment charging him with multiple charges of racketeering and extortion, among other crimes based on an alleged agreement that he would not be prosecuted. Defendant, and a codefendant filed motions to suppress electronic surveillance evidence. The District Court, **Wolf,** J., held that: (1) defendant did not have either an express immunity agreement or an agreement implied in fact that he would not be prosecuted so as to be entitled to dismissal of charges; (2) defendant had an enforceable agreement that precluded the use and derivative use against him of any intercepted evidence; (3) hearing was necessary to determine whether case would be dismissed because defendant's due process rights were violated because intercepted evidence was presented to the grand juries that indicted defendant in violation of promises of confidentiality; (4) suppression of electronic surveillance evidence against codefendant was required for failure to make the full and complete statement concerning necessity required by statute; and (5) codefendant lacked standing to maintain seek suppression of

Droney, the statements **Flemmi** had made to Rico relating to that matter. As far as Rico was concerned, the promise of confidentiality made to **Flemmi** or any other informant would endure even if Rico learned that the informant had broken the law. Rico Jan. 14, 1998 Tr. at 159.

While FBI agents have long routinely promised sources confidentiality, Rico did not rely on this assurance alone to cultivate informants. Rico characterized his approach to developing informants as "unique." Rico Jan. 13, 1998 Tr. at 119- 20. This case demonstrates that while his methods were unorthodox, they were not singular. In any event, as Rico testified, he "did not always conform 100%" to what the FBI policies and procedures required. Rico Jan. 14, 1998 Tr. at 143.

Using his personal style, Rico sought to realize **Flemmi's** potential as a source by not treating him like a criminal who should be used with caution to obtain valuable information. Rather, Rico created a sense that he and **Flemmi** were allies in a common cause, primarily a war against the LCN. This is a sense that Rico's successors as **Flemmi's** "handlers" successfully sought to perpetuate and strengthen. Morris Apr. 22, 1998 Tr. at 15. Significantly, by word and deed, and with increasing clarity over time, Rico promised **Flemmi** more than confidentiality. **Flemmi** Aug. 20, 1998 Tr. at 22-26, Aug. 25, 1998 Tr. at 22- 23, Aug. 24, 1998 Tr. at 88-89, 140-43. Rico promised **Flemmi** "protection," *id.,* and he honored that promise. **Flemmi** was receptive to the alliance with the FBI that Rico proposed. The arrangement offered him an opportunity to ***178** use the FBI to disable his enemies, enhance his safety, and, with the competition diminished and the protection of the FBI, make his own criminal activities more profitable. **Flemmi** Aug. 25, 1998 Tr. at 25-34.

From 1965 to 1967, Rico found his relationship with **Flemmi** to be productive. In that period **Flemmi** provided information which Rico regarded as reliable and valuable. Rico Jan. 13, 1998 Tr. at 58; Exs. 214, 215, 222, 245. For example, **Flemmi** reported that Stevie Hughes "had been marked for a hit." Exs. 26, 218, 222. Soon after, Hughes was murdered. Ex. 26.

More importantly, **Flemmi** proved to be able to give Rico what he most wanted-- reliable information concerning the leaders of the LCN in New England. **Flemmi** regularly gave Rico information regarding Raymond L.S. Patriarca, the Boss of the New England Family of the LCN, and Baione. *See, e.g.,* Exs. 245, 214. **Flemmi** reported, among other things, that Edward "Wimpy" Bennett had told Patriarca that he would remain neutral in a violent feud between the Patriarca Family and Barboza's crew. Ex. 245. As reflected in a 209 rated "Excellent" by Rico, on February 2, 1967, **Flemmi** reported on a meeting that he had with Baione at which they agreed to settle any disagreements they might have peacefully, and at which Baione made statements indicating

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United States District Court,
D. Massachusetts.

UNITED STATES of America
v.
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v.
John Martorano

Nos. Cr. 94-10287-MLW, Cr. 97-10009-MLW.

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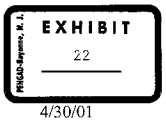

Ex. 21.

Thus, viewed as a potential member of the LCN, **Flemmi** became a Top Echelon informant. Rico was his "handler." Rico's partner, Dennis Condon, was designated **Flemmi's** alternate agent--the person **Flemmi** was to contact if he could not reach Rico. Ex. 220; Condon May 5, 1998 Tr. at 31. **Flemmi,** however, was never told that he was either open or closed administratively as an informant in the files of the FBI. **Flemmi** Aug. 20, 1998 Tr. at 32-33; Morris Apr. 28, 1998 Tr. at 23, Apr. 30, 1998 Tr. at 72; Quinn Aug. 19, 1998 Tr. at 112-13. Nor did **Flemmi** know that the FBI was documenting some of the information that he was providing. **Flemmi** Aug. 27, 1998 Tr. at 56; Morris Apr. 21, 1998 Tr. at 34.

***180 Flemmi** quickly validated his perceived potential to provide valuable information concerning the highest levels of the LCN. Within weeks of becoming a Top Echelon informant, he reported on a recent meeting that he and Salemme had with Patriarca in which Patriarca indicated an interest in making **Flemmi** a member of the LCN. Ex. 215.

For the next two years, **Flemmi** provided Rico with a steady flow of information concerning the hierarchy of the LCN in which Rico was very interested. Rico Jan. 13, 1998 Tr. at 70. **Flemmi's** information included, among other things, reports concerning Patriarca, Baione, Gennaro Angiulo, a leader of the LCN in Boston, and Salemme, which Rico regularly rated either very good or excellent. *Id.* at 67-70. *See also* Exs. 23, 24, 217, 219, 221. **Flemmi** also provided Rico with other valuable information, including intelligence on a threat to the life of the Middlesex County District Attorney Garrett Byrne. Rico Jan. 14, 1998 Tr. at 68; Ex. 27.

In addition, **Flemmi** was able to provide Rico with certain information and assistance that Rico especially prized. In 1966 and 1967, Rico and Condon were actively attempting to persuade Barboza to become a government witness in connection with an investigation they were conducting, with state officials, of the 1965 murder of Teddy Deegan and other matters. Rico Jan. 9, 1998 Tr. at 72, Jan. 13, 1998 Tr. at 80. They then properly perceived that Barboza had the potential to provide powerful testimony against leading members of the LCN. Rico Jan. 9, 1998 Tr. at 72-73. Rico and Condon were seeking information to use to persuade Barboza to become a witness. Rico Jan. 10, 1998 Tr. at 80. **Flemmi** provided Rico with such information and 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.* at 79-83. For example, **Flemmi** told Rico about Patriarca's plans to kill some of Barboza's associates and used his brother to convey that information to Barboza. Ex. 245. Thus, **Flemmi** materially assisted the FBI's successful effort to develop Barboza as a witness. *Id.*

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United States District Court,
D. Massachusetts.

UNITED STATES of America
v.
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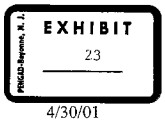

that Baione was responsible for the recent murder of Wimpy Bennett. Ex. 214. Beginning with the Third Superceding Indictment (the "3SI") in this case, **Flemmi** and Salemme have been charged with murdering Wimpy Bennett as part of their alleged pattern of racketeering activity. *See* 3SI, Racketeering Act ("RA") 21. [FN28]

FN28. As the parties have been informed orally, the court has tentatively decided to grant the motions to dismiss Racketeering Acts 21- 24, which relate to the alleged murders of Wimpy Bennett, his two brothers, and Richard Grasso, that were first alleged in the Third Superceding Indictment, because the government improperly used the grand jury to strengthen the previously alleged RICO charges against **Flemmi** and Salemme. *See, e.g.,* United States v. Beasley, 550 F.2d 261, 266 (5th Cir.1977); United States v. Gibbons, 607 F.2d 1320, 1328 (10th Cir.1979); In re Santiago, 533 F.2d 727, 730 (1st Cir.1976).

Flemmi's report that Baione made statements indicating that he was responsible for Wimpy Bennett's murder may be an early instance of a pattern of false statements placed in **Flemmi's** informant file to divert attention from his crimes and/or FBI misconduct. For example, as discussed in § II.14, *infra,* in 1982, Morris caused Connolly to tell **Flemmi** and **Bulger** that Brian Halloran was providing the FBI information that implicated them in the murder of Roger Wheeler. Halloran was murdered soon after. Morris believed **Bulger** and **Flemmi** were responsible. When Halloran was murdered, Connolly prepared a 209 stating that **Flemmi** had reported that "the wise guys in Charlestown" had heard that Halloran was cooperating with the Massachusetts State Police and, therefore, had a motive to murder him. Ex. 225. Similarly, shortly before John Callahan, another associate of **Bulger** and **Flemmi** implicated in the Wheeler investigation, was murdered in Miami in 1983, Connolly prepared a 209 stating that **Flemmi** had reported that Callahan was trying to avoid a "very bad" Cuban group. Ex. 226. As explained *infra,* **Flemmi** and **Bulger** remain suspects in the still open Wheeler, Halloran, and Callahan murder investigations.

In any event, on February 8, 1967, six days after **Flemmi** provided information indicating that Baione was responsible for Bennett's death, Rico designated **Flemmi** a Top Echelon informant. Ex. 21. In doing so, Rico vouched for **Flemmi's** reliability, stating that:

> Informant has furnished information that has proven through investigation or through other sources to be true, and there is no information provided by the informant that has proven to be false.

Id.

With regard to **Flemmi's** past activities, Rico wrote:

> ***179** Through informants of this office, it has been established that this individual enjoys a reputation of being a very capable individual

JOSEPH BARON, also known as JOE BARBOZA, was interviewed at the Massachusetts Correctional Institution, Walpole, Massachusetts.

BARON stated that he would not mind talking to the Agents if the Agents would not end up testifying against him for what he said. BARON was told that if he wanted to talk in confidence that "we would respect his confidence."

BARON advised that he has always tried to make a living outside of the law and that if anyone in law enforcement could prove that he was doing wrong, he is willing to pay the consequences. However, he said, when you find that a police officer that you know "fingered scores, acted as lookout when scores were being pulled, and divided up the proceeds of these scores" turns around and manufactures evidence and testimony against you, you have a feeling that maybe you, the criminal, have played by the wrong standards.

BARON said that he never wanted to physically hurt anyone in law enforcement but added that "If my life is ruined by this individual trying to benefit his own ambitions, the day I come out of jail could be the day this Lieutenant becomes nervous."

BARON said that he knows that INCEGNERI is friends with the "connected people" and that these people wanted to see him hurt. BARON advised that he has always tried to get along with these people and that, as a matter of fact, he used to see RAYMOND PATRIARCA and get an "OK" before he made most of his moves. Since they killed three of his friends, however, (THOMAS J. DE PRISCO, ARTHUR C. BRATSOS and JOSEPH W. AMICO) and stole $70,000 from him (This is in reference to the money allegedly in BRATSOS' possession when he was murdered), he had made statements that he was going to kill several of them. BARON said that after thinking the entire situation over, he realized that he could not possibly

On 3/8/67 at Walpole, Massachusetts File # [redacted]

by SA's DENNIS M. CONDON and H. PAUL RICO:pol'b 3 Date dictated

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 24

[redacted]

DMC:HPR:po'b

2

[redacted] BARON, knows what has happened in practically every murder that has been committed in this area. He said that he would never provide information that would allow JAMES VINCENT FIDDMI to "fry" but that he will consider furnishing information on these murders.

4

000787

[redacted]

DIRECTOR, FBI [redacted] 3/28/67

SAC, BOSTON [redacted]

INTERVIEW PROGRAM
CRIMINAL INTELLIGENCE MATTERS

Rebosairtel to Bureau, 3/10/67, and Bostel to Bureau, 3/21/67.

The following interview with JOSEPH BARRON, aka Joseph Barboza, was a follow up to interview conducted on 3/8/67, as set forth in rebosairtel.

[redacted]

INTERVIEW OF JOSEPH BARRON

JOSEPH BARRON, aka JOSEPH BARBOZA, was interviewed at the Federal Building, Boston, Mass., on 3/21/67, by SA's H. PAUL RICO and DENNIS M. CONDON [redacted] It also should be noted that he conferred with his Counsel, JOHN FITZGERALD, at approximately 12:15 p.m., at which time he received some advice from his counsel and then returned to continue his interview with the Agents.

BARRON said that he would talk to the Agents in confidence and that he would not testify to any information that he was furnishing at this time.

2-Bureau
4-Boston [redacted]

HPR:DMC:po'b
(6)

SEARCHED
SERIALIZED
INDEXED
FILED

[redacted]

000788

EXHIBIT
25

[redacted] f

BARRON stated that since he last talked to the Agents (He was interviewed on 3/8/67 at the Massachusetts Correctional Institution, Walpole, Mass.), he had come to the conclusion that the Agents and him have a common enemy in the "Italian organization." He said he realizes that this "organization" is going to try to kill him regardless of when he is released from jail, and he believes that this "organization" can reach out into local law enforcement agencies and obtain practically any information in their possession, and he would like to help the FBI in their efforts to obtain evidence against the "Italian organization."

m

BARRON said that he hopes that GARRETT BYRNE, District Attorney of Suffolk County, Boston, will appreciate his (BARRON's) assistance in obtaining this testimony and give him (BARRON) a break on the two cases that he has presently pending in Suffolk County.

m

BARRON advised that he had also discussed the last interview with the Agents with JAMES VINCENT FLEMMI and that he had told FLEMMI that he was considering having FABIANO cooperate with the FBI, and that FLEMMI indicated that he thought that that was an excellent idea.

 [redacted]

[redacted] F

It was pointed out to BARRON that he could be making a very serious mistake in talking to any other inmate concerning his interview with Agents of the FBI.

M

BARRON advised that in connection with the murder of EDWARD DEEGAN, DEEGAN had been causing some problems for a lot of people and had been "out of order" at the Ebb Tide night club in Revere, Mass., on a number of occasions. DEEGAN was also looking for some kind of an excuse to kill BOBBY DONATI who was friendly with RICO SACRAMONE. DEEGAN was killed in Chelsea, Mass., around March of 1965. He said ANTHONY STATHAPOULOS was with DEEGAN and remained in an automobile. One of the individuals in the group that killed DEEGAN went towards STATHAPOULOS carrying a 375 magnum and wearing a bullet-proof vest, but STATHAPOULOS was able to take off and get out of the area.

[redacted]

[redacted]

Pages 5 through 6 of serial 8 are being deleted in their entirety for code: F, M.

[redacted] F

In further discussions of gangland murders, he made the comment that EDWARD DEEGAN had killed ANTHONY SACRAMONE of Everett, Mass., and that this was a senseless murder that DEEGAN had perpetrated just to make himself look like a big man.

[redacted]

[redacted] F

m

BARRON was asked if he did not feel that since the "Italian organization" was doing everything in their power to hurt him, didn't he feel that he could help justice be done by testifying. BARRON stated, "If I ever testified, you people would have to find me an island and make a fortress out of it."

BARRON said that he would be willing to furnish information to the Agents, but under no circumstances could he bring himself to testify. [redacted] m

B

On 3/23/67, [redacted] "MIKEY" FLEMMI and JOHNNY MATORANO have been up to visit VINCENT JIMMY FLEMMI in Walpole on 3/22/67, and that FLEMMI told them how JOE BARBOZA had been interviewed by the FBI at the U. S. Attorney's office and that he, BARRON, was going to get [redacted] to testify against the individuals involved in the murders of [redacted] JIMMY would probably tell other individuals about this plan and that if RAYMOND PATRIARCA hears of this, he will believe that they are part of the conspiracy to hurt members of his organization. [redacted]

[redacted]

[redacted]

This office is aware of the distinct possibility that BARRON, in order to save himself from a long prison sentence, may try to intimidate FABIANO into testifying to something that he may not be a witness to. It is planned to interview FABIANO and ascertain from him what his testimony can be in connection with the murders at the Nite Lite and if FABIANO cannot testify as BARRON indicates, BARRON will be again contacted and be given the opportunity for himself to testify in his dealings with known LCN members.

[redacted]

m: John Cavicchi Attorney at Law Fax: 617-567-4697 Voice: 617-567-4697

Exhibit

EXHIBIT-
ADMITS
PERJURY

A F F I D A V I T

Personally appeared before me Joseph Baron, also known as Joseph Barboza, and, being under oath, deposed and said as follows:

I, Joseph Baron, also known as Joseph Barboza, under oath, and free from duress or coercion directly or indirectly of any kind whatsoever say as follows:

1. That I am the same Joseph Baron (Barboza) who testified in the trial of Commonwealth v. French, et als--Nos. 31601, 32365 to 32370 inclusive.

2. That I wish to recant certain portions of my testimony during the course of the above-said trial insofar as my testimony concerned the involvement of Henry Tameleo, Peter J. Limone, Joseph L. Salvati and Lewis Grieco in the killing of Teddy Deegan.

3. That the testimony I now offer to give concerning the killing of Teddy Deegan and those individuals responsible for his death will be the whole truth known to me.

Joseph Baron

Then personally appeared before me the above-named Joseph Baron, also known as Joseph Barboza on 28th day of July, 1970 and swore that he had read the foregoing affidavit and that the facts therein stated are true.

Notary Public

My Commission Expires: Jan 21, 1974

000967

EXHIBIT
26

BAILEY, ALCH, GILLIS & DANIELS
ATTORNEYS AT LAW
ONE CENTER PLAZA · BOSTON, MASSACHUSETTS 02108
AREA CODE 617 523 8625

F. LEE BAILEY
GERALD ALCH
COLIN W. GILLIS
RAYMOND J. DANIELS
DANA P. SMITH
EDWARD DANGEL, III

BERNARD J. O'BRIEN
OF COUNSEL
WILLIAM G. MANNING
ADMINISTRATOR

August 27, 1970

MEMO TO: JOE BALLIRO

FROM: LEE BAILEY

This is a status report of the present situation with respect to Joe Baron and his proposed recantation of testimony given before the Superior Court in Commonwealth v. French. Although I have necessarily excluded a few matters as confidential between Mr. Baron and myself, he has authorized me to inform you as to the matters described below.

As you recall, when I met with Baron at his request in New Bedford, he stated that he had felt for some time that he should make a direct effort to right the injustice which his testimony had caused. He indicated that he had been assured all along that (especially in the murder cases) a conviction was unlikely, and after the conviction occurred he was told to expect that due to trial errors the Supreme Court would reverse the cases, and of course there would never be a re-trial; therefore, no permanent harm would be done to anyone whereas the government would have accomplished its primary objection: much publicity about prosecuting organized crime. After he learned that the Supreme Court affirmed the convictions and discussed this fact with many friends, he became persuaded that these men might be executed for something they hadn't done and therefore took steps on his own to make his feelings known to the victims of his testimony. His arrest in New Bedford following my agreement to represent him was of course an unanticipated and unfortunate intervening factor, and has prevented me from going over exhaustively with Baron all of the events that led up to his trial testimony and caused it to seem credible. Nonetheless, after

many hours of conversation with him at Walpole I am convinced that I have most of the details of what actually took place. It appears that the reports you have described given to three different police officers in three different departments by persons other than Baron correctly describe the Deegan killing and the attempt on the life of Stathopoulos. It appears that Mr. French did in fact shoot Deegan, that Mr. Cassesso was present with Baron in the car and conspired to kill Stathopoulos but was not involved in the Deegan killing, and that Salvati and Greco were not present at all. Further, Tamelio and Lemone had nothing to do with arranging Deegan's murder nor had they any reason to believe that it was going to occur. The person sitting in the rear of the automobile which the Chelsea Police Captain saw was in fact bald and was Vincent Felemi. Romeo Martin in fact shot Deegan but the role ascribed to Greco as the third assailant of Deegan in fact involved another man whose last name begins with "C" as you had earlier suggested to me. All of this information will be verified by polygraph test within the next few days, but I believe that an additional affidavit from Baron naming the actual participants together with a statement by Cassesso, who has never testified, would be helpful in corroboration.

I have had no response to my letter to the Attorney General asking for help in writing the injustice that Baron has caused. I am sorry that I am unable to permit you to question Baron at this time, and I am writing this letter in part so that you will be able to explain to the families of your clients what my position is and why I cannot permit interrogation now. Although my sympathies are of course primarily and directly with the victims of your affair, I must either give Baron full representation or none at all and I cannot ask him to put in the hands of hostile counsel testimony which could result in very severe penalties to him.

If the law enforcement authorities are interested in correcting the wrongful convictions which were obtained in the Superior Court, they have the power to do so and they certainly by this time have every reason to believe that a terrible mistake has been made. I will do everything I can consistent with Baron's legal rights to aid in attaining this result. I am very hopeful that before much more time goes by someone in authority will recognize the serious res-

ponsibilities to be faced and confer with me about some reasonable and practical means of setting these clients free. Until that time there is not very much that I can do directly except to try to prevent Baron's continued incarceration. I must be frank in saying that because of his past experience he has some feeling that he can trade his own freedom (as he did before) for the conviction (even if wrongful) of people whom the law is out to get. The present effort of the authorities to violate his probation and keep him in prison for another five years may well - at least for the time being - operate to prevent the truth from coming out. When Baron becomes convinced that trading freedom for fiction is beyond the control or influence of those with whom he collaborated, I think he will testify to the true facts even though there may be some personal risk involved.

Should it at some time in the future become feasible for you to interview Baron - even in limited fashion - I will advise you at once.

Sincerely,

F. LEE BAILEY (pw)

FLB/pw

K 41

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 Baron, 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 wisned 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

LAW OFFICES
F. LEE BAILEY

1542

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

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ONE CENTER PLAZA

that the death sentence imposed by the trial jury would be R.43 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

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ONE CENTER PLAZA
BOSTON, MASS. 02108

R44

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 :

On this 7th day of October, 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 those matters, he believes them to be true.

Notary Public

My commission expires:

OFFICES
F. BAILEY
NEW PLAZA
WARE, OHIO
723-1980

Exhibit 5

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

men - that Joseph Salvati was not among those men.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 2ND DAY OF AUGUST, 1993.

Joseph J. Balliro, Esquire

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SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CRIMINAL NO(s). 32368, 32369, 32370

COMMONWEALTH]
V.]
JOSEPH SALVATI]

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, Salvati.

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.

PERGAD-Bayonne, N. J.
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: 10/12/93

0065w/39-40

Apr-23-2001 01:03pm From- 6172483983 T-911 P.002 F-210

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

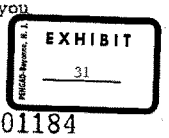
Dear Mr. Martin,

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.



If you have any questions, please do not hesitate to call.

Very truly yours,

DONALD K. STERN
United States Attorney

By:

JAMES D. HERBERT
Assistant U.S. Attorney
Chief, Organized Crime Strike
Force Unit

cc Elizabeth A. Keeley, Esq.
Chief Trial Counsel

Exhibit 2

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK COUNTY, ss

SUPERIOR COURT
DOCKET NOS.
32368, 32369, 32370

COMMONWEALTH
V.
JOSEPH L. SALVATI

AFFIDAVIT

I, William Moore, 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 in the Chelsea Police Department.
2. Lt. Thomas Evans was my partner in 1965.
3. In 1965, it was my duty to investigate crimes committed in the City of Chelsea.
4. Lt. Evans and I investigated the shooting death of Edward Deegan on the night of March 12, 1965.
5. As a result of our investigation, Lt. Evans and I prepared a police report. That police report is attached as an exhibit to the Motion for a New Trial.
6. On the night of the shooting, Lt. Evans and I received information from Captain Renfrew of the Chelsea Police Department that an informant of his had contacted him and told him that Roy French had received a phone call at the Ebb Tide at 9 p.m. on March 12, 1965. After a short conversation, Roy French left the cafe with Joseph Barboza, Ronald Cassesso, Vincent Flemmi, Francis Imbuglia, Romeo Martin, Nicky Femia, and a man by the name of Freddie. The informant further stated that they returned at about 11 p.m. Lt. Evans and I added this information into our police report.
7. Lt. Evans received additional information from Captain Joseph Kozlowski that at around 10 p.m. on March 12, 1965, he had observed a red motor vehicle, with its rear license plate bent from right to left, parked on Fourth Street in Chelsea about 150 feet from the alley

where Deegan was found shot. Captain Kozlowski observed the first three digits, which were 404. He further observed three men in the car, two in the front, and one in the rear. He could not identify the people in the car, but he did observe, as the car sped away, that the person in the back seat had a bald spot.

8. As a result of the information that we received, Lt. Evans, myself and others went to the Ebb Tide around 12:30 a.m. on March 13, 1965. We found a red car with a plate bent from right to left, with the first three digits being 404.

9. Lt. Evans and I, along with others, entered the Ebb Tide and saw three men named by the informant, i.e., Romeo Martin, Roy French and Francis Imbuglia. We observed that Roy French had what appeared to be blood stains on his coat and on his shoes. We brought these three men back to the Chelsea Police station for questioning.

10. Considering the information provided to Lt. Evans and myself by Captain Kozlowski, the information received from Captain Renfrew's informant, which was corroborated by our observations and based upon our prior knowledge and observations of Mr. Barboza, we had good reason to suspect that Vincent Flemmi must have been the man with a bald spot in the back seat of the red car. Furthermore, since the informant had seen Vincent Flemmi leave the Ebb Tide and return several hours later with Barboza, we had good reason to suspect that both Barboza and Flemmi were involved, especially since we knew the close relationship between Barboza and Flemmi.

11. Both Joseph Barboza and Vincent Flemmi were known to me, as I had surveilled them together on a number of occasions.

12. I know that Vincent Flemmi was bald in 1965.

13. I had knowledge, as did others in law enforcement, that Joseph Barboza and Vincent Flemmi were business associates.

14. Because of the reputations of Joseph Barboza and Vincent Flemmi, Lt. Evans and I followed both of them on many occasions. Each time we observed that Flemmi did the driving for Barboza and that they almost always travelled together.

25. I was never asked to be a witness at trial.

26. I was struck by an automobile while in a Chelsea police car. As a result, I received severe injuries, which required me to leave the Chelsea Police Department on a disability on March 13, 1968.

Signed under the pains and penalties of perjury.

William Moore

William Moore

Then personally appeared the above-named William Moore and acknowledged the foregoing to be his free act and deed before me

Paul M. Dunman

Notary Public

My commission expires March 7, 1997

Apr-23-2001 01:10pm From- 6177483963 T-317 P.005/006 F-213

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 (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.

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TOTAL P.01

c John Cavicchi Attorney at Law Fax: 617-567-4697 Voice 617-567-4697

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** testimony... **after the fact.** NOT THE TRUTH...

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BEFORE:

Wilfred Roy French

God Bless and best regards to your client...

Wilfred Roy French

001073

11:20 AM

(15)

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

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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

17A

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.

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

SUBJECT: VINCENT JAMES FLEMMI, Aka.

[redacted] F.B

Boston letter to Director, FBI 1/8/65 captioned: [redacted]

This letter refers to Boston Radiogram to Director coded 12/28/64 stating [redacted] was found stabbed to death on 12/28/64 in an automobile registered to his sister-in-law in the South End section of Boston.

Informants have reported he was murdered by JAMES FLEMMI as he was saying unkind things about FLEMMI's group; that he was murdered by old associates, Edward Goss and John Murray, for refusing them money; and that he may have been murdered for being suspected of being involved in the shooting of Edward Mc Laughlin.

B.F.M

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Exhibit 8 (3)

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CHALK A

COMPARISON BETWEEN JOSEPH SALVATI AND VINCENT FLEMMI

JOSEPH SALVATI	VINCENT FLEMMI
1. Joe Salvati was not bald in 1965 (i.e. he had a full head of black hair).	1. Vincent Flemmi was bald in 1965.
2. Joe Salvati was not known as: a) Barboza's associate. b) Barboza's driver. c) a man that hung with Barboza. d) a mobster. e) a veteran of the Boston gangwars of the 1960's. f) a man of violence. g) a gun carrier. h) a man known to shoot people. i) a criminal. j) a man with a major criminal record (i.e. he had one conviction for breaking and entering and possession of burglarious instruments in 1955).	2. Vincent Flemmi was known as: a) Barboza's close associate. b) Barboza's driver. c) a man that hung with Barboza. d) a mobster. e) a veteran of the Boston gangwars of the 1960's. f) a man of violence. g) a gun carrier. h) a man known to shoot people. i) a criminal. j) a man with a major criminal record (i.e. he had over forty convictions).
3. Joe Salvati was not suspected by the police in 1965 for the Deegan murder.	3. Vincent Flemmi was suspected by the police in 1965 on the very night of the Deegan murder.

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WILLIAM HIGGINS

James Featherstone, Deputy Chief
Organized Crime & Racketeering Section

August 28, 1970

Walter T. Barnes and Edward P. 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

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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 onto District Attorney Garrett Byrne, which was done by Harrington at approximately 3:30 P. M. on August 28, 1970.

Enclosure

000374

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

F B I

Date: July 31, 1968

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

Via TELETYPE IMMEDIATE (Priority)

TO: DIRECTOR [redacted]

FROM: BOSTON [redacted]

CRIMINAL INTELLIGENCE PROGRAM, BOSTON DIVISION.

ALL SUBJECTS IN DEEGAN GANGLAND MURDER FOUND GUILTY THIS DATE, SUFFOLK COUNTY SUPERIOR COURT, BOSTON, MASS.

ROY FRENCH FOUND GUILTY OF MURDER, FIRST DEGREE AND SENTENCED TO LIFE. JOSEPH SALVATI FOUND GUILTY OF ACCESSORY BEFORE THE FACT AND SENTENCED TO LIFE. BOTH THESE SENTENCES WERE BASED ON JURY RECOMMENDATION FOR LENIENCY.

LOUIS GRIECO FOUND GUILTY MURDER, FIRST DEGREE AND SENTENCED TO DEATH PENALTY. HENRY TAMELEO, RONALD CASSESSO AND PETER JOSEPH LIMONE, ALL LCN MEMBERS, FOUND GUILTY OF ACCESSORY BEFORE THE FACT AND ALL SENTENCED TO DEATH PENALTY.

ALL SIX SUBJECTS FOUND GUILTY OF CONSPIRACY TO MURDER EDWARD DEEGAN AND SENTENCED TO TWO YEARS IN HOUSE OF CORRECTION. ALL FOUND GUILTY OF CONSPIRACY TO MURDER ANTHONY J. STATHOPOULOS AND SENTENCED ONE YEAR IN HOUSE OF CORRECTION.

TAMELEO, LIMONE AND CASSESSO ALL PROMINENT MEMBERS OF LCN IN PATRIARCA FAMILY. TAMELEO WAS CAPOREGIME OF PATRIARCA IN

Approved: _____ Special Agent in Charge

Sent 4:03 P M Per _____

[redacted] 3267

000943

EXHIBIT 40

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

F B I

Date:

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

Via _____ _____
(Priority)

[redacted] F

2.

PROVIDENCE, R.I. AREA.

GARRETT H. BYRNE, DISTRICT ATTORNEY, SUFFOLK COUNTY, STATED PROSECUTION WAS DIRECT RESULT OF FBI INVESTIGATION AND PARTICULARLY NOTED DEVELOPMENT OF PRINCIPAL GOVERNMENT WITNESSES JOSEPH BARON, AKA BARBOZA, AND ROBERT GLAVIN. BYRNE WAS EXTREMELY PRAISEWORTHY OF COOPERATION BETWEEN FBI AND HIS OFFICE.

SAS H. PAUL RICO AND DENNIS M. CONDON WERE INSTRUMENTAL IN DEVELOPMENT OF BARON AND GLAVIN.

SA CONDON TESTIFIED INSTANT CASE, AS DID SA WILLIAM T. BOLAND. SA BOLAND, WHO HAD INTERVIEWED WIFE OF GRIECO, WAS ABLE TO CONTRADICT ALIBI TESTIMONY OF MRS. GRIECO AT TIME OF TRIAL. BYRNE STATED TESTIMONY OF SAS IN THIS TRIAL WAS MOST EFFECTIVE.

NOTED THAT BYRNE COOPERATED WITH THIS OFFICE IN CONNECTION WITH FEDERAL TRIAL OF RAYMOND L. S. PATRIARCA, ET AL, WHO WAS CONVICTED USDC, BOSTON.

RECOMMENDED LETTER OF COMMENDATION BE FORWARDED GARRETT H. BYRNE, DISTRICT ATTORNEY, SUFFOLK COUNTY, ROOM SIX TWO SIX, ~~NEWXENGLANDXEXECUTIVEXXXXX~~

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

000944

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

FBI

Date:

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

Via _____ (Priority)

[redacted]

3.

NEW COURTHOUSE BUILDING, FIVE FIVE PEMBERTON SQUARE, BOSTON, MASS., ZERO TWO ONE ZERO EIGHT, AND STAFF FOR THEIR SUCCESSFUL PROSECUTION OF THIS CASE.

ALSO RECOMMENDED THAT LETTERS OF COMMENDATION BE FORWARDED SAS RICO, CONDON AND BOLAND. SAS RICO AND CONDON WERE RESPONSIBLE FOR THE DEVELOPMENT OF GOVERNMENT WITNESSES BARBOZA AND GLAVIN. SA CONDON ALSO TESTIFIED IN AN EXCELLENT MANNER IN THIS CASE. SA BOLAND ALSO TESTIFIED IN AN EXCELLENT MANNER. BOLAND'S TESTIMONY REFUTED THE ALIBI OF GRECO AS FURNISHED BY HIS WIFE. SA BOLAND HAD INTERVIEWED GRECO'S WIFE AND SHE TESTIFIED IN X THE CASE, CONTRARY TO THE FACTS AS FURNISHED BY HER TO BOLAND. HIS TESTIMONY WAS DEVASTATING TO THE DEFENSE OF GRECO. BOTH AGENTS TESTIFIED REFLECTING GREAT CREDIT ON FBI.

JFK:CAK
(1)

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

000945