

# Hoover's F.B.I. and the Mafia: Case of Bad Bedfellows Grows

By FOX BUTTERFIELD

BOSTON, Aug. 24 — It was March 1965, in the early days of J. Edgar Hoover's war against the Mafia. F.B.I. agents, say Congressional investigators, eavesdropped on a conversation in the headquarters of New England's organized-crime boss, Raymond Patriarca.

Two gangsters, Joseph Barboza and Vincent Flemmi, wanted Mr. Patriarca's permission to kill a small-time hoodlum, Edward Deegan, "as they were having a problem with him," according to an F.B.I. log of the conversation. "Patriarca ultimately furnished this O.K.," the F.B.I. reported, and three days later Mr. Deegan turned up dead in an alley, shot six times.

It was an extraordinary situation: The Federal Bureau of Investigation had evidence ahead of time that two well-known gangsters were planning a murder and that the head of the New England Mafia was involved.

But when indictments in the case were handed down in 1967, the real killers — who also happened to be informers for the F.B.I. — were left alone. Four other men were tried, convicted and sentenced to death or life in prison for the murder, though they had had nothing to do with it.

One, Joseph Salvati, who spent 30 years in prison, filed notice with the Justice Department last week that he planned to sue the F.B.I. for \$300 million for false imprisonment.

His is the latest in a series of lawsuits against the F.B.I., the Justice Department and some F.B.I. agents growing out of the tangled, corrupt collaboration between gangsters and the F.B.I.'s Boston office in its effort to bring down the mob.

The lawsuits are based on evidence uncovered in the last five years in a judicial hearing and a Justice Department inquiry. But some of the most explosive evidence has only recently come to light, including documents detailing conversation in which Mr. Patriarca approved the murder. They were released as part of an investigation by the House Committee on Government Reform, which has pressured the department into turning over records about the F.B.I. in Boston.

The documents show that officials at F.B.I. headquarters, apparently including Mr. Hoover, knew as long ago as 1965 that Boston agents were employing killers and gang leaders

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Joseph Salvati and his wife, Marie. Mr. Salvati spent 30 years in prison for a murder he did not commit. He is suing the F.B.I. for \$300 million.

as informers and were protecting them from prosecution.

"J. Edgar Hoover crossed over the line and became a criminal himself," said Vincent Garo, Mr. Salvati's lawyer. "He allowed a witness to lie to put an innocent man in prison so he could protect one of his informants."

Mr. Barboza was a crucial witness at trial against Mr. Salvati and may have implicated him because Mr. Salvati owed \$400 to a loan shark who worked for Mr. Barboza.

Asked about the documents showing that Mr. Hoover knew of Mr. Salvati's innocence when he was put on trial, Gail Marcinkiewicz, a spokeswoman for the F.B.I. in Boston, declined to comment, citing the pending litigation.

A Justice Department task force is continuing to investigate misconduct in the Boston office. In one of the first results of the investigation, one retired agent, John J. Connolly, is awaiting sentencing next month after being convicted of racketeering and obstruction of justice for helping two other mob leaders who were F.B.I. informers, James Bulger and Stephen Flemmi. Vincent and Ste-

phen Flemmi are brothers.

The Government Reform Committee, led by Representative Dan Burton, Republican of Indiana, has uncovered memorandums from the Boston office to headquarters in Washington revealing the bureau's knowledge that Vincent Flemmi and Mr. Barboza were involved in killing Mr. Deegan. A memorandum a week after the killing described the crime, including who fired the first shot.

Then, on June 4, 1965, Mr. Hoover's office demanded to know what progress was being made in developing Vincent Flemmi as an informer.

In a reply five days later, the special agent in charge of the Boston office said that Mr. Flemmi was in a hospital recovering from gunshot wounds but because of his connections to Mr. Patriarca "potentially could be an excellent informant."

The agent also informed Mr. Hoover that Mr. Flemmi was known to have killed seven men, "and, from all indications, he is going to continue to commit murder." Nevertheless, the agent said, "the informant's potential outweighs the risk involved."

A Congressional investigator

called the exchange chilling. "The most frightening part is that after being warned about Flemmi's murders, the director does not even respond," the investigator said. "There is no message not to use a murderer as a government informant."

The origin of the corruption scandal was public and political pressure on Mr. Hoover to move more forcefully against the growing power of the Mafia, which he had largely ignored. In Boston, F.B.I. agents recruited Mr. Barboza and Mr. Flemmi and developed close ties to a rival criminal organization, the Winter Hill Gang, led by Mr. Bulger.

Both sides got what they wanted, according to the investigations and the trial of Mr. Connolly. The F.B.I. got information that eventually helped destroy the Patriarca and Angiulo families, which controlled organized crime in New England. Mr. Bulger's gang was able to take over the rackets in Boston, sell drugs and even commit murder while the F.B.I. looked the other way.

One reason the F.B.I. may not have used its information about Mr. Patriarca's involvement in the Deegan murder, Congressional investigators say, is that it came from an illegal listening device in his Providence, R.I., headquarters. The F.B.I. agent who transcribed the conversation made it appear that the information was coming from unnamed informants, to disguise the use of the device, the investigators say.

Mr. Salvati, a former truck driver, now 69, had his sentence commuted in 1997 by Gov. William F. Weld. Last year, while he was still on parole, his murder conviction was dismissed by a Massachusetts state judge after the Justice Department task force made public documents suggesting his innocence.

Two of the other wrongly convicted men died in prison. Their survivors have joined the fourth man, Peter Limone, in a \$375 million lawsuit against the Justice Department. Mr. Limone was sentenced to die in the electric chair. His life was spared only when Massachusetts outlawed the death penalty in 1974.

Mr. Salvati lives in a modest apartment in Boston's North End with his wife, Marie, who visited him in prison every week during those 30 years. Each week Mr. Salvati sent her a romantic card, which she put on the television set. It was, Mr. Garo said, all they had of each other.